

A RESOURCE BOOK
ON

**RACIAL & ETHNIC
MINORITIES IN THE
WORKPLACE**

FOR
EMPLOYERS, MINORITIES,
UNIONS & GOVERNMENT

THE SOCIAL PLANNING COUNCIL
OF
METROPOLITAN TORONTO

RACIAL AND ETHNIC MINORITIES
IN THE WORKPLACE

A Resource Book

edited by

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PREFACE

This report contains a selection of papers given at a special conference on "Racial and Ethnic Minorities in the Workplace" sponsored by the Social Planning Council of Metropolitan Toronto in October 1981. As such it is intended not so much as a report of a past event; it is rather a resource for people who are continuing to seek and develop policies and programs to eliminate discrimination against racial and ethnic minorities in the workplace. The focus of these papers is upon possible solutions and directions that may be useful in removing racial and ethnic discrimination and disadvantage in the workplace. An attempt has been made to group them according to the different institutional perspectives and different contexts from which appropriate strategies can be pursued. Given the diversity and complexity of the issues that are being addressed, it is acknowledged that this categorization is somewhat artificial.

This collection of papers is seen as complementary to the working paper "Racial and Ethnic Discrimination in Employment" published by the Social Planning Council of Metropolitan Toronto in February 1982. This is an extensive study containing a thorough analysis of the extent and nature of ethnic and racial discrimination in employment in Toronto and is, therefore, recommended as a companion to this set of papers.

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Tim Rees
Leon Muszynski

SECTION A. COMMUNITY INITIATIVE

1) The Need For Action

Alan Borovoy
General Council
Canadian Civil Liberties Association

If anything I have to say on the subject of human rights and racial equality is going to make any sense, it is important that I draw a rather crucial distinction at the outset. It is vital to distinguish between racial equality - or human rights - and brotherly love. When I talk about human rights, I am not talking about brotherly love. For example, I don't ask employers to love blacks or Asians or native people. We say to employers, "You hire the well-qualified blacks, Asians or native people whether you like them or not. Our concern is not with what you like, it's with what you do. It's not with how you feel, it's with how you behave." I don't want anyone to get the idea that I'm against brotherly love, but I don't want us to develop a philosophy where we think that it is worth waiting some thousands of years till that happy day - should it ever come - when all humans feel brotherly and sisterly towards one another.

We ought to be very clear when we talk, think and act in this area to draw that crucial distinction because the confusion between the two haunts many of our social and public discourse as well as our action. This is very simply a way of saying that, to quote the late economist John Maynard Keynes, "and in the long run we're all dead". Since in the long run we are all dead, some attention ought to be paid to what's happening to living people in the short run...today.

The objective that we as a society have formulated is to promote equality of opportunity: to participate in, and reap the benefits from, all forms of public life regardless of race, creed, colour, nationality, ancestry, place of origin. I would like to discuss for a moment some of the techniques we've developed to advance that principle. One of them is the law. Legislation such as the Ontario Human Rights Code has been

attacked. Not only have details been attacked but during the past several months even the very principle of having such legislation has been attacked. "You can't legislate morality", they have said to us. I'm not sure what that means. If it means you can't correct our souls, I might have to make that concession. If it means you can't correct our conduct then I don't know what they are talking about. We have legislation; we outlaw murder; we outlaw theft; we outlaw fraud; we outlaw assault. We do not say that we will wait for a millenium until those people develop brotherly feelings before we legislate today to protect their victims. So why should it be any different if we're talking about racial discrimination? Why should we have to wait until people feel loving towards one another until we protect their victims from the impact of their conduct in the public market?

One of the interesting things about the Ontario Human Rights Code is that if there's an allegation of racial or ethnic discrimination, the Human Rights Commission investigates to try to satisfy itself as to what the facts are. If the Commission believes that it has found discrimination, it doesn't prosecute; it doesn't go to legal hearings right away. In the first instance it attempts to persuade the offender to change his policy; to take back the member of the minority group that you've kicked out. And if you are not prepared to take him back and offer binding assurance that it will not happen again, the matter is considered settled - resolved. It is only if you resist the attempt that they go on to the next stage - the board of inquiry.

At the board of inquiry, everyone is invited to a public hearing - the complainant, his witnesses, the alleged offender, and his witnesses. The lawyers, of course, are always invited. What this means to the person who has violated the Human Rights Code is the inconvenience of being involved in a hearing. It means witness fees, court costs and legal fees. And it means some pretty unpleasant publicity. The simple psychology of this legislation is that most people, regardless of their prejudices, are not so hopelessly and unalterably bigoted that they put themselves to all that trouble and inconvenience just to keep out

a few members of minority groups. It has very little to do I suggest with brotherly love. It has a great deal to do with the balance of inconvenience. We aim to make the practice of racial and ethnic discrimination more inconvenient than the avoidance of that practice. And that is something that people living in the real world today can understand.

It is very interesting that, if you look at the experience in this province, an overwhelming number of cases get resolved at the level of conciliation and settlement. It's only a relatively few that go to a public hearing.

It is interesting how rarely the board of inquiry has had to be used. More often the alleged offender has capitulated at the conciliation stage or sometimes before or after the hearing. I've even seen it happen sometimes right smack in the middle of the hearing. I remember a number of years ago we were proceeding against a boathouse owner in Chatham, Ontario. This boathouse owner would not rent boats to blacks for fishing. What a black is supposed to do to a boat, I'm not sure. But he wouldn't rent to him, and we were in the middle of a hearing. When we had a board of inquiry in those days we invited the entire community. We made sure that everybody came - we had an entire courtroom filled with people. This fellow was testifying and was being pummelled with questions. In the middle of the cross-examination, he said, ..."all right, I'll take them!" You can imagine how disappointed we were. We had a courtroom filled with people looking for revenge and this guy surrenders before he's supposed to. We went into the judge's chambers and right there black people paid deposit money and arranged to reserve boats from that point till the end of the summer. Some of the blacks told me they didn't like to go in boats or they didn't like fishing. We told them they had to go fishing. The result was that parties of blacks went fishing at that place from that point to the end of the summer. All of which demonstrates that the law has been and can be a very potent weapon for promoting racial equality. So long as we are clear-headed enough to maintain the distinction between brotherly love and fair play.

But now as always happens, society moves on, and new techniques become necessary because new problems emerge.

Let me run through three or four of them quickly with you:

1. Discrimination by Intermediaries

Employers who want to keep out certain minority groups are not always prepared to do it themselves. They like to hire specialists to do it for them. Many of them have used employment agencies to do their dirty work for them. The Canadian Civil Liberties Association has conducted surveys of employment agencies randomly selected in Ontario, and elsewhere in Canada about three times in the last seven or eight years. Regrettably the results have always been awfully similar. The last time we did it was a year ago. It was a broadcast on CTV's W5 show. To give you the guts of it, one of my colleagues telephoned twenty-five randomly selected employment agencies across the country. In each case he said that he was an advance man for an American firm that was planning to locate in their community in the near future, and he just wanted to get an idea of what kind of service he can look forward to from them. Among the services he requested was, "Can you keep out non-white people for me? Refer white only." Out of the twenty-five we telephoned only three flatly said "No", which is what the law requires them to say. Five gave replies that were sufficiently vague that in our desire to be fair, we did not categorize them one way or the other. In seventeen cases they left little doubt in my mind that they were quite prepared to co-operate. In fact, when I say they were quite prepared, some of them were salivating. Let me just read you a few quotes.

"I'm a business man. If you don't want a black we don't send the black, if you don't want any Indians, we don't send you any Indians. My business is to make a placement and to make some money. I'm going to send you what you want".

"So it is white and bright".

"We have several companies like that." "Oh yeh, but I can't talk about it, okay?"

Of course what's fascinating about this is that these people were talking on the telephone to someone they had never met in, years after human rights legislation had been enacted rendering that unlawful. What is obvious is that the traditional method of complaint-centred enforcement, which our Human Rights Commission uses, cannot deal with that problem. I don't criticize the complaint-centred approach; it has to be used in all kinds of cases. But it is obvious that it cannot be used in the case of employment agencies because it depends upon a victim of discrimination to come forward and file a complaint. The problem is that the non-white people who go to employment agencies do not know and cannot know who all their clients are. If they screen them out, he simply does not know it and so he is in no position to file a complaint because he doesn't know he has been discriminated against.

We have been suggesting for years that what has to be done is that the Human Rights Commission or some other agency of government has to adopt the practise of periodically auditing the performance of these market intermediaries, the employment agencies. By law they should be required to keep full accounts, records of who their clients are, and who are the applicants. By law it should be made a condition of their licences that they make these records available to government audit and inspection unannounced. The government audit and inspection should sit down with them periodically and review with them who are their clients and who are their applicants. If client X has requested an employee with certain qualifications and applicant Y seems to have those qualifications, the question is..."did you send Y to X?" And if they didn't the matter should be investigated. In other words, if this was audited in that fashion there might be a chance of detecting the practise of discrimination, which you simply cannot do if you sit on your formal jurisdiction waiting for complaints to come along.

I was encouraged by the Ontario Minister of Labour's

response to our survey of late 1980. He said that he would make a recommendation that the legislation be changed to require the agencies to keep these kinds of records. To my knowledge that change has not been made and I would have thought that the point of steering Bill 7 through the legislature would have been an appropriate time to do it. Indeed, we can say that it is fairer to those agencies who wish to comply with the law to have this industry-wide auditing practise undertaken so that they will not be made to feel that they will lose customers if they obey the law.

2. Structural Inequality

There are pockets in various sectors of the economy of under-involvement and under-utilization of non-white people. Let me give you some examples of a number of surveys that we have conducted:

- (a) We did a survey of the upper echelons of the Ontario government about four years ago (apart from the Human Rights Commission for obvious reasons). Of 235 positions, from chairmen and executive directors up, only three were occupied by non-white people. Two of them of Japanese origin, and one black. There were no Asians and no native people in any of those upper echelon positions.
- (b) We did a survey of banks in Northern Ontario - Kenora, Fort Francis, Sault Ste. Marie. We looked at 500 jobs in the banks in those communities and out of 500 jobs only two of them were held by native people and one of them was part-time. You know how large a proportion of native people there are in those communities.
- (c) We looked at the corporate sector. A few years ago, we picked up all of the issues of the Financial Post Magazine. We were told this is a good barometer of the corporate sector, and we

looked at all of the promotions that were being announced with photographs and out of more than 1,900 such announcements only six went to non-white people.

This kind of pattern has repeated itself in a number of sectors of the community. It is not the kind of evidence that allows us to make an identifiable accusation in a particular case of racial discrimination. This kind of bulk evidence cannot sustain specific allegations at identifiable parties. It would be very difficult to believe, however, that racial discrimination was not a factor at least in some of those cases, but no doubt there are other reasons. There may also be such things as a reluctance of non-white people to apply for jobs in places where they have seen nothing but a sea of white faces for generations. There is an understandable reluctance to go where they expect to be rejected. I would be very curious as to how those employers go about looking for employees. How parochial? But let me put it that way and not accuse them of malevolence but suggest parochialism. It is a provincialism of the worst kind - going only to certain places when you're looking for employees, old school or whatever, when you're looking for people for corporate promotions. And who knows what outmoded personnel recruitment systems there may be, such as we found in the Toronto Fire Department when we conducted a similar survey there a few years ago.

Now, what we have suggested for years is a program of affirmative initiatives. Human Rights Commissions should not wait for complaints, because you can't address problems of that structural character simply by a complaint-centred response. Commissions must go out into the community and develop programs with employers to help them affirmatively look in areas where they haven't been looking. Break the barriers. Urge people to come forward so that perhaps you can help overcome the reluctance that has been built up over generations. For example, advertise in the non-white press. Go to newspapers like Contrast and the others. Place ads there when you're

looking for employees. Go to the leaders of the non-white organizations. Tell them the kind of place you are and the kind of positions that are coming open and ask them, because they know those communities better than you do, to recruit suitable candidates. If you're in places like Kenora and Fort Francis take the personnel manager by the hand and go to some of those Indian reserves. Make a personal appeal to those people. Ask them to apply for those jobs.

Can you imagine the impact a simple act like that would have on a people who have experienced the kind of alienation from the mainstream of our society that native people have experienced. I am not talking about profound things, but just imagine the impact of that kind of approach. We recommended that Bill 7 be amended in order to provide some kind of incentive for this approach. What was the incentive? We suggested that the government require those employers who get government contracts, as a condition of getting those contracts, to agree to a program of affirmative initiatives - good faith measures of the kind I've indicated. You will note, and I will make this explicit, I am not talking about quotas. I'm not talking about reverse discrimination or favouritism or anything like that. I am talking about affirmative initiatives in areas where you see that kind of under-utilization, - good faith measures. Unfortunately, I'm advised that this too has not made its way into Bill 7.

With regard to employers, why can't they organize something like this themselves? I would urge them to do it. I would urge the Manufacturers Association, the Chamber of Commerce, the Downtown Businessmen's Association, and others, to follow the inspiring lead of the Ontario Federation of Labour, to do on the employers side what they are doing on the employees side.

I don't think enough credit has gone to the labour movement in this country for the tremendous contributions they have made. I am not

talking simply about the hundred thousand dollars that they have invested of their members' money in the present campaign. I'm also talking about the years of labour committees for human rights that have spearheaded one legislative campaign after another for human rights legislation in this province, and indeed in this country.

I would suggest that the Manufacturers Association, the Chamber of Commerce and the business community create human rights committees as a way of monitoring the performance of their fellow employers in the area of the affirmative initiatives that I've been talking about. Find some vehicle through which they can recognize those employers who are making these kinds of efforts and then join us in going back to the government. If we could go back to government a few months from now, not only with the kind of organizations we have here in the Canadian Civil Liberties Association and the churches but with the employers organizations as well, I think we could look forward to some of the amendments we have long been seeking.

I would like to conclude with an overview of what I think the problem is in this country. That overview really says that if you look at the kinds of initiatives that are necessary, it means that somebody has to get up, take a stand, and take the initiative. I think people are wrong when they accuse Canada of being a racist country in the sense of being terribly bigoted. Our problem is not that we are rife with bigotry, it is that we are rife with inertia.

What is required to fight bigotry and to promote equality is what decent people are often not prepared to do. If I can give you an example of what I am talking about from something that happened a number of years ago in one Ontario community. We found a number of golf clubs that would not allow blacks to play golf at those places. We went out with testers - blacks and whites. The blacks would be told 'I'm sorry you can't play golf here, you have to be a member and membership costs a few hundred dollars' and if that wasn't enough to discourage them, they told them membership was closed for the season.

That was in June. Minutes later our whites would appear and, on the simple payment of a dollar or two for green fees, would be admitted to play golf, and they had never been there before in their lives. We blew this up in the press, named the places of course, and then we wrote letters to all of the organizations in that community asking them to "Please take a public stand with your members and ask them not to play golf at those places until and unless they agree to admit blacks on the same terms as whites."

You should have seen the answers we got: "You're doing a wonderful job"; "We're all in favour of human rights and brotherly love, of course." But only two organizations out of that entire community were prepared to cancel their golf leagues and play elsewhere. It's to the everlasting credit of the Secondary School Men Teachers' Federation and the United Auto Workers Union that they took that position. For the others what did they say? "Well, golf is rather important to our members, you know, it's like a religion." Of course, there's nothing like drowning a civil libertarian in his own soup - tell him he's interfering with freedom of religion. I have thought, in the years since then, that in many ways our problem in this country can be summed up by the statement, "Golf is more important than human rights." It's not that we are against human rights, it's that we are not sufficiently in favour of human rights. Our problem is not the ill-intentioned wrong-doer, it's the well-intentioned non-doer.

Finally, what must be clear is that the fight for human rights is indivisible. That invariably it means we have to go to bat for people who may be somewhat less popular than we are. The difficult thing that so many people find in fighting for someone else is that some of his unpopularity tends to rub off on you.

I want to close with what I think was the most eloquent statement I've ever heard on the need to go to bat for other people. The

statement was made by a Protestant clergyman in Germany following the Nazi period.

'First they arrested the communists but I was not a communist so I did nothing. Then they came for the social democrats and the trade unionists, but since I was neither a social democrat nor a trade unionist, I did nothing. Then they arrested the Jews and then they arrested the Catholics. But I did nothing because I was not a Jew or a Catholic. At last they came and arrested me, and there was no one left to do anything about it.'

That statement wrung from the agony of Hitler's Germany stands as a motto for democrats in all countries for all time. The human rights of no one are safe unless the human rights of everyone are safe.

2) A Program For Change

Earl Miller
Planner, City of Toronto

Things must change. And change must come not, as Alan Borovoy so eloquently stated, because it appeals to fraternal sentiments and our collective sense of decency. Change is necessary because it is basic to the meaningful survival of people, like me, who want to be fairly treated and to contribute equally in a society which has the resources to make justice a practical possibility. We will not take no for an answer. What our society lacks in sufficient measure is will and direction.

Racial discrimination in the workplace and in any other setting encapsulates both the oppressor and the oppressed. For the victim, as we know, opportunities are impeded, invalidation from the society is breathed in and economic, social and cultural survival is put at risk. For the "majority" culture, racism is the wedge that permits society to look in silence upon the unfair treatment of people on the basis of their physical difference. But colour is not the only physical difference that is characteristic of people. Some of us have physical disabilities, some of us are elderly, some of us are young, some of us are capable of giving birth. It is in this sense that the circle of oppression wraps itself around the societal body like a python. By tolerating racism we give tacit consent to every other kind of human injustice associated with physical difference.

What does this mean? Regrettably, it means that mistreatment of people because they belong to visibly distinctive groups is a widespread feature of our economic and social system. From a more positive stand point, it means that those of us who are oppressed -- because we are black, because we are women, because we are disabled, because we are immigrants -- are bound together by a common thread: we are all mutually implicated in the struggle of each group for justice and equal treatment. This does not mean that our struggles are the same. As a black man I am not free

from the sexist social conditioning of a male-oriented power structure. Nor are white women, because they have been unequally treated, free from racist attitudes. My point is this. Although our differences have been used to divide us -- in the union shop, in the school, in the competition for scarce jobs, and in the struggle for secure homes and neighbourhoods for our families -- there is a foundation for alliances between us, whites and non-whites alike. That foundation is the clear understanding that unless all of us are free, none of us is free. As a black man I can not be silent in the face of the oppression of women. By doing so I would grant a license to those who, having unjustly treated one group, would now turn against me.

Again, let me emphasize, that I do not see all forms of unfair treatment to be the same. To be a minority, female and a single parent in search of a job is not the same as being a white, male M.B.A. with a leg in a brace. This means of course, that there are separate group struggles which must be waged by blacks as a group, women as a group, disabled people as a group and so on. What is crucial to recognize as an important future direction for us all, however, is that without making alliances to combat the systemic injustices which encapsulates us all, our separate struggles will be harder and more discouraging. The building of alliances between whites and non-whites, to advance the common objectives of our separate struggles, is thus an important element in the way ahead. There are, however, a number of pre-conditions that are necessary if we are to begin effective alliance building.

First, it is essential for whites to acknowledge fully that racism is a characteristic feature of our economic and social system, and that the exploitation of non-whites in this hemisphere for over 500 years is part of the "social memory" of every white Canadian.

Second, it is crucial that whites accept the view that by acknowledging the realities of racism, by getting rid of the profound feelings of guilt and fear that prevent them from acting, and by imple-

menting protective legislation and just economic and social programs, the negative effects of racism can be neutralized.

Minorities, at the same time, must empower themselves. First, they must reject the fear, and the historical untruth that they have always been and will always be victims. The very fact that we have survived is testimony that we can contribute in any society in a powerful way! We can, and we have given our share. What we want now are equal opportunities and equal treatment so that the reward for contributing is just.

Second, minorities must understand well the society we live in. Every economic system and every culture has its own vocabulary -- even a vocabulary of social change. We must learn that vocabulary well. If it means that we must become politicians, then let us do that. If it means that we must be lawyers and judges to formulate just laws, then let's strive for that. If we have to make allies in the existing power structure, then let's do that. And if we must form or participate in voluntary organizations to serve our people, then let us do that. But we must serve our people. To do that, we have to act and to support each other in the course of acting. Above all, we must make our demands for change through the instruments and in the language that the system understands. If it is a society whose rhetoric trumpets equal opportunity, then it is real equal opportunity that we must demand.

This brings me to specific strategies. These I offer to whites and non-whites alike, on our separate struggles and together as allies concerned about improving the equality of race relations in the workplace and the community.

1. We must build a base for political action from which we can make specific demands. This is particularly true within the minority communities themselves.
2. The foundation for building political action, again particularly in the minority communities, is the concept of community service. Many of us, as minorities, have been nearly exhausted by the

struggle for survival. Some of us who have succeeded against difficult odds, have forgotten our brothers and sisters for whom survival is still a daily issue. For those of us with the slack to do so, we must direct our skills, our energies and our triumphs toward serving our people.

3. We must make articulate and very specific demands for change. For example:

- o That unemployment be reduced by 5% because economic insecurity and harsh competition divides us in the workplace and the community, and is a breeding ground for racism.
- o That mandatory affirmative legislation, with numerical targets and timetables be implemented to facilitate the hiring and promotion of minorities in the workplace.
- o That our human rights be legally enshrined and enforced.
- o That child care be made available as a universal service to liberate the economic potential and ease the stress of parenting for minority and other households.
- o That contract compliance legislation be implemented by governments to induce those who do business with the public sector to implement equal opportunity initiatives.
- o That government financial assistance be made available to employers who conduct cross-cultural training programs ("unlearning racism" programs, if you will) for employees.

4. Finally, I would like to make a special comment about the need to demand statistical data on minorities in the workforce and in

the community. Positive programs to improve the condition of minorities in the workplace must be supported by data on minority labour force participation, occupational status, income, unemployment and so on. I defy the arguments of those who say that collecting statistics on the basis of race is "too sensitive" a matter or that it would "increase the visibility of minorities". As a black man I defy anyone to explain how I could be made more visible than I already am. Enumerating me for the purpose of facilitating affirmative action initiatives which may help me or others like me is something that I will eagerly participate in. Count me in!

We need additional information about minorities in the community:

- o How many black babies die of malnutrition?
- o How many native people live in inadequate housing?
- o How many minority teenagers are single parents?
- o How many immigrant working women need day care?

Information about the things which I've just described is information about ourselves. We need the information to help define the priority areas in which we need to move forward.

Improving race relations in the workplace and elsewhere is something in which we are all mutually implicated. However, at a personal level and at the level of social action, it's not easy. I hope that some of the achievements in your own lives and some of the things I've suggested are proof positive that there is a way ahead.

SECTION B. THE LEGISLATIVE FRAMEWORK

1) Legislation or Voluntary Action

Rita Cadieux
Deputy Chief Commissioner
Canadian Human Rights Commission

Why are we still, in 1981, during a conference on racial and ethnic minorities in the workplace, asking the question: legislation or voluntary action? Is it that we are not certain about the most efficient approach? Is it that we have experienced the limitations of one or the other?

In Ontario, the Human Rights Code has prohibited discrimination in employment for nearly 20 years, since 1962, on the basis of race, colour, nationality, ancestry, place of origin and other grounds. At the federal level, the Canadian Human Rights Act laid down similar prohibitions in 1978 but before that, discrimination in employment was forbidden under the Canada Labour Code.

We have anti-discrimination legislation in place. Why, then, is there still discrimination? Is legislation ineffective? Should we ask that it be amended and strengthened or should we rely on voluntary action to bring about the changes that are necessary in the workplace? In an attempt to answer these questions, I propose that we look briefly at our legislation, the Canadian Human Rights Act, as it applies to employment and at our statistics for the last year.

The Act prohibits discrimination on nine grounds: race, national or ethnic origin, colour, religion, age, sex, marital status, conviction for an offence for which a pardon has been granted and, in matters related to employment, physical handicap. It covers all federal government departments, agencies and Crown corporations along with businesses and industries under federal jurisdiction such as banks, airlines, inter-provincial railway companies and trucking and uranium mining companies, the Canadian Armed Forces and the RCMP.

During 1980, 23 percent of all the complaints of discrimination handled by our Commission were on the basis of race, colour, national or ethnic origin. Discrimination on the basis of sex comes first, making for 29 per cent of all complaints. In the area of employment, these same grounds: race, colour, national or ethnic origin were cited 56 times under Section 7 and 22 times under Section 10.

Section 7 reads:

"7. It is a discriminatory practice, directly or indirectly

- (a) to refuse to employ or continue to employ any individual, or
- (b) in the course of employment, to differentiate adversely in relation to an employee, on a prohibited ground of discrimination."

Section 10 reads:

"It is discriminatory practice for an employer or an employee organization

- (a) to establish or pursue a policy or practice, or
- (b) to enter into an agreement affecting recruitment, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment, that deprives or tends to deprive an individual or class of individuals of any employment opportunities on a prohibited ground of discrimination."

Legislation enacted by the federal and provincial governments has achieved a reasonable measure of success. It has made inroads against flagrant discriminatory practices based on ill-will and bigotry. But we know many inequalities persist. Members of some groups are still more often hired and promoted than others. There are entire

sectors of employment where certain minorities are not represented. These instances are not all the product of deliberate discrimination. For example, if the workplace is not accessible to persons with certain physical handicaps, the employers may not discriminate directly against the physically disabled but these people are nevertheless excluded. If an employer requires five years of Canadian experience when it is unnecessary to do the job, the practice excludes all newcomers to this country. If there are height requirements that are not really relevant to the job, the impact is against women and members of certain groups such as Asians.

Experience has shown that in most instances this systemic discrimination is not based on malice, even though unequal treatment is still the result. A U.S. Supreme Court decision helps me to illustrate my point. The decision stated: "Practices, procedures or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to freeze the status quo of prior discriminatory employment practices."

In Canada, most human rights legislation includes the concept of systemic discrimination, one way or another. Section 10 of the Canadian Human Rights Act prohibits systemic discrimination in employment. We have not so far dealt with many cases of systemic discrimination based on race, colour or ethnic origin. In one such case where a complaint was filed on the basis of sex and race in employment, it was found that the respondent, servicing the native population, had few employees of native origin. The terms of the settlement included special efforts to recruit native Indians where there was a concentration of them.

In another case a black man working with a crew laying ties for a railway company resigned from his job one week before the end of his term, claiming that he could no longer tolerate racially-motivated

harassment by his foreman. Investigation of the complaint established that there had been racially-based irregularities surrounding the complainant's employment with the company. The investigation further showed that employment opportunities for blacks in the Halifax area with the company were slight: in a staff of over 600, there was only one black.

The company agreed to pay the complainant the money he would have earned in the last week of work and further agreed to send notices of vacancies to the Black United Front of Nova Scotia in a special effort to redress the imbalance in its labour force.

Every time a complaint of discrimination is related, or might be related, to systemic discrimination, we go further than simply investigating the incident. We look at policies and practices and actual figures. How many native employees are there? How many blacks? Is the proportion adequate in comparison with their proportion in the surrounding population?

I guess what I am saying is yes, I believe legislation is important and it should be used to go further than individual incidents of discrimination. Otherwise, our best intentions will have minimal impact. But even if we make better use of Section 10 while investigating complaints and even if more complaints are filed under Section 10, it will be a long time before all employment systems are reviewed and modified unless employers undertake to do it voluntarily.

However, voluntary action should not end there. Special programs have to be set up to redress the imbalance - the under-representation of minorities in the workplace. The legislator, in the case of the Canadian Human Rights Act, took care of this by allowing special programs or measures in favour of minorities to be established.

Section 15 of the Canadian Human Rights Act states:

"It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap of members of that group, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group."

The Act defines the role of the Human Rights Commission as it relates to special programs of affirmative action thus:

- (a) to make general recommendations concerning desirable objectives for special programs;
- (b) on application, give advice and assistance.

In addition, the Act allows a human rights tribunal to order the adoption of a special program, plan or arrangement to prevent the same or a similar practice occurring in the future and it allows the Commission to include a special program as part of the settlement of a complaint.

No human rights tribunal has so far included a special program in the terms of its order. The Human Rights Commission has twice attempted to include a special program as part of a settlement. In both cases it has not been accepted by the respondent and the commission has established a tribunal to hear the parties. One of these tribunals dismissed the case on technicalities and the commission has initiated a new complaint. In the other instance the hearings have not yet taken place.

The legislation in seven of the provinces includes provisions dealing with affirmative action. Yet examples of voluntary affirmative action based on legislation are not abundant.

Legislation alone will not achieve the goal of integrating minorities in the workplace but I strongly believe that without legislation, voluntary initiatives would be symbolic and indeed very scarce.

I see some advantages to acting voluntarily:

1. It is good business for an employer to have a representative work force. In fact, a senior economist with the U.S. Conference Board has written that many managers have come to realize that they had been overlooking huge pools of willing, talented and productive people.
2. A special program sharply reduces the chances that a complaint of discrimination will be successful. Or that a complaint will be filed at all.
3. The costs are certainly less if a program is established before complaints are filed and a program is imposed upon an employer. This brings to mind the shock wave that hit the U.S. corporate world when one company was ordered to pay some \$55 million in back pay to women and minority group employees.

In a letter to our commission, the president of Syncrude described his company's program to actively recruit native people. The initiatives are positive and organized, but one comment in his letter is of particular interest. "We intend to continue this approach both because it is the fair and right thing to do and also because it is, in our judgement, in our long range best business interest." Let me repeat the key words: "best business interest."

Legislation or Voluntary Action

The legislation already exists in federal and provincial jurisdiction. The Canadian Human Rights Act extends the Commission's authority to whole groups or classes of persons, enabling us to be oriented toward social change. Section 15 encourages voluntary action so that employers can initiate special programs to eliminate inequalities. So, in my opinion, both elements are in place. I think we are now challenged to get on with it.

2) A Survey of Decisions and Remedies
in Employment Discrimination Cases
in Canada

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Labour market discrimination against racial and ethnic minorities and women is perhaps the most significant and complex issue of public policy since the mid-1950s. Since that time, reports of widespread discrimination against minority groups notably in relation to race and sex have increasingly come to light.

1. PUBLIC POLICY

In order to overcome pre and post-employment discrimination, every legislature in Canada has enacted human rights legislation. All the statutes prohibit discrimination in employment on the basis of race, national origin, colour, religion or creed, sex, marital status and age. The age groups protected vary among jurisdictions, with the most common being between the ages of 40 or 45 to 65. Physical disability is proscribed in seven jurisdictions. Other prohibited grounds include sexual orientation in Quebec and pardoned offence in the federal jurisdiction. The British Columbia Human Rights Code enumerates prohibited grounds of discrimination but allows filing of charges on the basis of any "reasonable cause".

Enforcement

In equal employment legislation, enforcement in all Canadian jurisdictions relies primarily upon the processing of individual complaints. However, in some jurisdictions, human rights commissions may file a complaint or commence an investigation on their own initiative.

All of the Acts provide for the settlement of complaints, if possible, by conciliation and persuasion. They provide for an initial informal investigation into a complaint by an officer who is directed to endeavour to affect a settlement. If conciliation fails, a board of inquiry may be appointed in all jurisdictions except Quebec. Such a board may issue orders for compliance, compensation etc. This order may be appealed to the Supreme Court of the Province on questions of law or fact or both. The federal jurisdiction allows an appeal by either the complainant or person complained against, to a review tribunal, where the original tribunal had fewer than three members.

2. CASE ANALYSES

In order to study the incidence of pre and post-employment discrimination, I analyzed 74 board of inquiry and court cases. These cases were obtained from the relevant human rights commissions. These cases represent the total of all such hearings that were held in Canada between 1975 to 1980. In addition, a few of the conciliated cases were also analyzed.

3. SYSTEMIC OR INDIRECT DISCRIMINATION

The law at present defines discrimination as systemic and identifies it by impact. The Canadian Human Rights Act as well as numerous decisions by boards of inquiry in several provinces have borrowed the legal definition of discrimination from U.S. case law and relevant British legislation. In the U.S. the concept of indirect or systemic discrimination was articulated by the Supreme Court in Griggs v. Duke Power Co. in 1971. The court unanimously endorsed a results-oriented definition of what constitutes employment discrimination. The court indicated that intent does not matter; it is the consequences of an employer's actions that determine whether it may have discriminated under Title VII of the U.S. Civil Rights Act. In this case,

the court struck down educational requirements and employment tests on two grounds. (a) These requirements could not be justified on the grounds of business necessity since they were not valid or related to job performance. Moreover, (b) they had adverse impact since they screened out a greater proportion of blacks than whites. However, if business necessity could be proved, i.e. if the educational and testing requirements that had disproportionate or adverse impact on minorities were in fact related to job performance, then the practice was not prohibited. Thus, disproportionate impact is not sufficient to outlaw credentialism, tests and other hiring standards. Business necessity is the prime criterion on hiring and promotion decisions.

The approach adopted in the Griggs case has now become the prevailing view in Canada in both equal pay and equal employment cases; malice or intent to discriminate is no longer a relevant factor. In the equal employment area, for example, one of the leading cases which changed the intent to discriminate situation involved a member of the Sikh faith. He complained to the Ontario Human Rights Commission after he was refused a job as a security guard. The dress and grooming regulations of the firm to which he had applied required employees to be clean shaven and to have their hair trimmed. The Sikh applicant wore a turban and had a beard as required by his religion and therefore, was unable to comply with the firm's regulation. In this case, Ishar Singh v. Security and Investigation 1977, the Ontario board of inquiry found that the "employer bore no ill will towards Sikh people...had no intention to insult or act with malice...and did not have the intention or motive of discrimination." The board, however, found that the effect of the employer's policy which required that their security guards be clean-shaven and wear caps, was to deny employment to Sikhs. It ruled that intention was not necessary to establish a contravention of human rights legislation. The decision signalled a change, away from a concern with bigotry, and toward a concern with providing equality of opportunity.

A similar concern is reflected in a January 1979 board of inquiry case. In the case of Ann Colfer against Ottawa Police Commission the board decided that the Commission's minimum height requirement of 5 feet, 10 inches "virtually eliminates women as police constables", as only 5 percent of females in Canada are that height or taller. This height and weight (160 pounds) requirement, the board declared, had a disproportionate effect upon female gender relative to the male gender.

4. DECISIONS

Physical Requirement

Height and weight requirements for a police constable's job in the Ottawa Police force (1979), weight requirement for a labouring job in a building supplies company in B.C. (1979) and height requirement for an entry level labouring job in a sawmill (B.C. Forest Products Ltd., 1979, were declared illegal by boards of inquiry in Ontario and B.C. These requirements were held to have an adverse impact on females as a group. In the B.C. Forest Products Ltd. case, the B.C. Supreme Court upheld the decision of the board of inquiry. The Canadian Human Rights Commission reports that the C.N.R. and the Greyhound Lines of Canada have agreed to abolish height requirement for the job of trainman and for a job as a bus driver respectively; these requirements can adversely affect women as well as men from some ethnic minorities.

Job Advertisement

Publication of advertisements which state a preference as to sex or age were not based on a bona fide occupational qualification, according to an Alberta Board of Inquiry decision in the White Court Star, 1976 case.

Application Form

It is discriminatory to ask applicants to complete an application form which asks the applicant's place of birth as well as the place of birth of his spouse. This was the decision of a B.C. board of inquiry in the case of A.A.A. Rentaguard Canada Ltd. (April 1979); the board held that the company's requirement that all applicants for employment as security guards provide this information was contrary to section 7 (b) of the B.C. Human Rights Code.

Job Interviews

In Kerry Segrave v. Zellers Ltd., 1975, the complainant alleged that he was refused employment and refused training because of his sex and marital status by Zellers Ltd. The applicant arranged for an interview with Zellers in response to an advertisement in the Hamilton Spectator for personnel manager trainees and credit management trainees positions. He was interviewed by a female personnel manager trainee who told him that there were only women in the position of personnel management trainees in the Zellers Company and that the wage scale was too low for the complainant to consider. She also told him that they did not hire men because women would not go to them with their problems. The applicant then expressed interest in the credit manager trainee position. He was given a preliminary interview for the position, but was not processed further because of "undesirable" marital status. He had been divorced three months ago and Zellers took this as "a sign of instability in his background which could cross over into his business life as well". The board of inquiry found that Zellers had discriminated against Segrave on both sex as well as marital status grounds and ordered the company to direct its personnel managers that in all hiring practices men and women should be treated equally, and that all references to marital status in the selection process be deleted.

Misconceptions and Stereotypes Regarding Male and Female Jobs

Several boards of inquiry have held that stereotypes and misconceptions held by employers about male and female jobs have no bearing upon ability to perform the job. In Stairs v. Maritime Cooperative Services Ltd. 1975, in New Brunswick, Mrs. Stairs had applied for a position as a cost accountant trainee. She was told by the interviewer that she would lose her "femininity" if hired. In a second interview she was told that "I was the best qualified for the job but he could not see having a woman in his department." In Francis Perry v. Robert Simpsons Ltd., 1976, in Nova Scotia, Mr. Perry applied for the position of a copywriter with the company. When visiting the employment office at the company to apply for the position he was told it would be a waste of his time since the company only hired women for the position. Subsequently, a woman was offered the job. In Betty-Ann Shack v. London Drive-Ur-Self Ltd. in 1974 in Ontario, the rental truck agency refused to hire an inexperienced woman as a rental clerk because the employer thought the work was "too arduous" for a woman, and that she would occasionally be alone in the office at night. The chairman of the board held that "this is merely one of the 'stereotyped characterizations of the sexes'... this factor would have no bearing whatsoever upon her ability to perform the job in question."

Similarly, women cannot be denied a job because of heavy duty janitorial work according to an order of a B.C. board of inquiry. In two private settlements, the federal human rights commission has decided that women cannot be refused work because of night work or shift work.

Bona-fide Occupational Qualification (B.F.O.Q.):

All jurisdictions have a "bona fide" occupational qualification exemption with respect to sex discrimination in employment. This exemption has generally been narrowly construed. The burden of proof in seeking

to declare the existence of a B.F.O.Q. rests with the employer in all jurisdictions except New Brunswick.

As noted above, in Shack v. London Drive-Ur-Self Ltd. in 1974 the employer had claimed that a truck rental clerk's position was too strenuous for a woman and that she would occasionally be alone in the office at night. The board held that neither of these considerations constituted a bona fide occupational qualification. Similarly, in the Via Rail case, 1980, the tribunal held that Via's acuity standards were not based on a bona-fide occupational requirement since Via had failed to justify the standards.

Several other boards of inquiry have also held that a defense based on B.F.O.Q. because of sex will probably only be successful where there is convincing evidence that considerations of public decency eliminate one sex from consideration.

5. SUMMARY

To summarize, decisions of boards of inquiry have prohibited such pre-employment barriers as (a) height and weight requirements for a police constable's job, and for labouring jobs; (b) discriminatory items such as the applicant's place of birth and the place of birth of his spouse in an application form; (c) discriminatory or sex stereotyped questions in job interviews; (d) employers' misconceptions and stereotypes about male or female jobs such as (i) not considering a female for the job of a cost accountant trainee; (ii) a male for the position of a copywriter; (iii) a female as a rental clerk for a rental truck agency; and (iv) a female for a heavy duty janitorial work.

A bona-fide occupational qualification exemption with respect to sex discrimination has been very narrowly construed by the boards. Employers' arguments such as (i) work being too strenuous for a female;

(ii) customer preference for service from one or the other sex; (iii) a desire to create a restaurant atmosphere by having all female waitresses; (iv) lack of washroom facilities for women; (v) male dominated and remote worksite, have been rejected by boards of inquiry in several jurisdictions.

Several boards of inquiry have decided that dismissal or refusal to employ or to continue to employ on prohibited grounds is illegal. It is illegal to (a) refuse to re-employ on the basis of "nationality" or "place of origin"; (b) dismiss a worker because of racism; (c) refuse to promote a worker on account of race or colour; (d) refuse to permit women from gaining permanent positions because of sex discrimination.

Re-employment, Dismissal and Promotion on the Basis of Race

Dismissal or refusal to employ or to continue to employ on grounds of race, colour, nationality etc. is prohibited in the human rights statutes. In the case of Dr. M.A. Rajput v. Dr. Donald Watkins and Algoma University College and its Agents, 1976, an Ontario board of inquiry found that Dr. Rajput was not offered re-employment on the basis of "nationality" or "place of origin". The complainant was awarded approximately \$16,675.00 for one one-half of the salary he would have received for the academic year 1975-76, and \$41,951.26 as compensation for expenses. He was also entitled to receive another year's salary for 1976-77 if he failed to get a job either at Algoma University College or elsewhere.

Similarly, in a recent (1981) case, a black man who lost his job at Robin Hood Multifoods Ltd. was awarded \$15,000.00 in damage by a judge of the Quebec Superior Court because of racial discrimination. The plaintiff, Mr. Thomas, was born in the Caribbean and had worked for Robin Hood for 14 years. His job at the time of dismissal in 1979 was that of a (\$20,000-a-year) technician at the flour mill. He was

dismissed two months after his department was taken over by a new official.

In the case of William Turner v. Prince Albert Pulp Co. Ltd. 1974, the complainant alleged that he resigned from his job as a car loader in the machine room in 1974 because of the discriminatory treatment he received and in not being allowed to move up or be promoted on shift as he should have been, due to his race and colour. A Saskatchewan Human Rights Commission formal inquiry upheld the complaint and ordered his reinstatement at the same job classification or higher than that which he held at the time of his termination, with no loss in seniority or fringe benefits and with payment of monetary loss from 1972 to the date of his hiring.

The 1974 cases on race and sex discrimination in employment included a cross-section of industries and institutions such as service, trade manufacturing industries and the public administration sector. Most of the complainants were white-collar workers. Although the majority held lower-level jobs, professional, technical and to some extent administrative and managerial workers were also included in this category.

Job discrimination was found in 53 of the 74 cases that went for public hearings. In most cases, more than one remedy was ordered. The most frequent remedy was compensation for lost wages. Other remedies were orders to employers to:

- o stop their unlawful conduct;
- o display the relevant Human Rights Code in predominant places in employer premises;
- o compensate for expenses incurred by the complainant;
- o compensate for pain and humiliation suffered by the complainant;

- o write a letter of apology to the complainant;
- o offer employment or opportunity for employment or interview etc. at the next available job opening;
- o allow the Human Rights Commission (HRC) to conduct human rights workshops, for company executives;
- o amend application forms and/or other selection tools;
- o write a letter of apology to the relevant HRC;
- o provide separate washroom facilities for women.

CONCLUSIONS AND IMPLICATIONS

In my view, the 74 cases analyzed in this study may only be the tip of the iceberg, since most complaints filed before the HRCs are settled in private. However, they and other cases serve to provide an insight into the overall problem and may help to enhance the awareness of the need to provide equality of opportunity for minorities.

Such evidence suggests, however, that Equal Opportunity/ Affirmative Action programs now in effect have little real impact. The number of complaints filed indicates that ignorance of the legislation, lack of resources or fear of employer reprisals have kept the number of complaints down to artificially low levels.

In my view, human rights legislation may be a necessary though insufficient condition for elimination of inequality between majority and minority groups within the labour force. Additional steps are also necessary. These include supportive policies such as improvements in education and training for minorities, and the achievement of sustained levels of employment.

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3) An American Perspective

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The landmark U.S. Civil Rights Act of 1964 was a giant step forward for ethnic minorities ensuring that the basic human rights of all groups, regardless of sex, color or creed, would be protected under the law.

President Johnson's Executive Order 11246, an extension of the Civil Rights Act, requires all federal contractors to demonstrate compliance with the U.S. Department of Labour, Office of Federal Contract Compliance's affirmative action rules and regulations. This demanded that any company who did business with the federal government should take positive steps to include those individuals who in the past had not been included in the workforce.

The purpose of the equal employment opportunity movement is to expand employment opportunities where ethnic minorities have been excluded in the past.

Affirmative action has been an effective tool in bringing ethnic minorities into the mainstream of American society, as well as correcting past discrimination that has denied ethnic minorities equal employment. Affirmative action means to take positive steps to recruit, upgrade and hire those ethnic and visible minorities that have been discriminated against.

For a moment, let us consider an argument that is used to discredit affirmative action. Many contend that qualified whites have been bumped or passed over in the job market in favor of less qualified ethnic minorities. This has been referred to as "reverse discrimination". I can remember when it was just plain old "discrimination" that precluded

me from getting a particular job or promotion. My question then is, "is that reverse discrimination for me?"

The Office of Federal Contract Compliance's method of implementing affirmative action has not always proven effective due to many factors. The establishment of unrealistic goals and time-tables, voluminous monthly reports required of contractors, understaffed local and regional offices, and the expansion of the regulations to include females, the handicapped and veterans. But you cannot have effective affirmative action without goals and timetables. And you cannot have a plan when no one is keeping data on ethnic and racial representation in the workforce.

In my view, a more effective affirmative action plan would be a voluntary program involving contractors, ethnic minorities and unions. The development and implementation can only be truly effective if all parties have a commitment to affirmative action.

As an example of a voluntary plan, I would like to share with you some of my observations of the Buffalo Home Town Plan. The Buffalo Plan was a direct result of a violent clash between University of Buffalo students and the university's administration over the inadequate representation of ethnic minorities in the labor force during the building of the new Amherst Campus. Governor Rockefeller established a moratorium on all construction at the University of Buffalo and asked the contractors, construction unions and the minority community to develop a "blueprint" to train qualified minorities for the industry. Their "blueprint" became known as the Buffalo Home Town Plan.

The plan became operational in 1970. A minority organization, B.U.I.L.D., agreed to act as the referral agency for the Home Town Plan. The Building Trades Unions selected and trained minorities for the various construction trades. At the end of their training, the candidates received journeymen cards and after paying the union initiation fees, became union members. Union cards do not necessarily guarantee jobs, a

factor which disillusioned some of the trainees. The Home Town Plan was financed by the state of New York.

The program lasted from 1970 to 1978. During that time approximately 300 people were trained, of whom 175 became union members and are still involved in construction in the area. Not only did minorities get into the union but what was most important of all was that it changed some attitudes. Not only did it make good business sense because they weren't going to do business with the federal government unless they abided by the regulations, but it showed the employer that effective affirmative action can work to the benefit of everyone. Although the plan never reached its anticipated heights, it was a unique example of voluntary affirmative action without enforcement from the government.

In summation, ethnic minorities have come a long way in securing basic equal employment rights, but we must remain vigilant to protect the gains and continue to work harder to improve on them.



SECTION C. THE EMPLOYER'S PERSPECTIVE

1) Discrimination and Conflict Resolution

T.A. Crossman, President
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The objective that we are concerned with is to achieve a measure of improvement in the existing conditions of prejudice, discrimination, bias and bigotry, which minorities face in not only seeking employment, but also in the performance of work on the job.

If these are the objectives, we must consider two basic questions:

- 1) what is the best method to ensure the attainment of the stated objectives? and;
- 2) what are the factors preventing the desired change?

I will endeavour to identify what I believe we should be doing to move toward these goals, and further, what I see to be the factors which are holding back significant progress.

In Whose Interest is Social Change to be Made?

The answer, of course, is obvious. It is those who are the victims of prejudice and discrimination who wish to achieve a measure of change. But to effectively deal with the kind of change required, it is the employers who will need to be persuaded, or motivated to want to undertake some form of change.

The problem here is made more complex when we see that those who are capable of initiating the change (ie. management) are not experiencing a strong motivation for doing so. If minorities could effectively initiate lasting change, the matter would be relatively simple.

Change of This Nature Cannot be Legislated

To be sure, acts of legislation such as the Ontario Human Rights Code help to alleviate the more blatant abuses, but if that kind of legislation worked at all, we would not be here today.

We find the same situation in the labour relations scene in Canada. We have extensive legislation designed to produce industrial peace, but we see the opposite. Never before in Canada have we seen as much labour disharmony as exists in Canada today. In part, and for some very strange reasons, the law may actually be contributing to labour unrest. One of the reasons for the failure of labour legislation to achieve peace is that the acts enshrine the concept that labour and management are adversaries and they must and will fight each other to resolve their differences. Therefore, it is the expectation of a large segment of our society that labour disturbance is inevitable, and even worse, it is a normal condition. I raise this point because there is a danger that employers will obey the law because they must do so. It avoids the spirit of brotherhood completely. I would urge less legislation in this area rather than more. This is not to imply that I would repeal the Ontario Human Rights Code. What I say is simply that we should not depend too heavily upon legislation to achieve the desired results. The track record of legislation in a social sense is no better than has been achieved by labour legislation.

We Should Avoid Taking Adversarial Postures

In preparing this paper, I re-read some material on the subject. I was distressed, however, by the all too frequent adversarial "can't" to the language. The words I read were typical of what I hear from the labour movement. I refer to expressions like "warfare", "the battle", the "struggle", "the army of the minorities", and finally, "victory".

Terminology as such is wonderful and encouraging if you are one of the minorities. It sounds quite different, however, to those who are the transgressors. I am talking now about the effect that strident and adversarial language has upon the other audience. I believe it causes one of two possible reactions. On the one hand, we retreat and say that "we are not like that. This person is referring to someone else." On the other hand, the other reaction is to resist. It tends to erect psychological barriers to the very change the speaker is advocating. Above all, the minorities must be careful not to create a polarization of the parties. It is togetherness that is being sought; therefore, avoid all that has the effect of widening the gap. I realize, of course, that the stridency I refer to comes from the strong feelings which injustice gives rise to. Perhaps the venting of these feelings feels good-- but it does not help.

The Inevitability of Change

Change is inevitable. Nothing in life is static. The question is to which direction will the change lead us? Over the long run, one can conclude that we are probably moving in the right direction. Enlightenment is a slow progress. Experience would tell us that if the next ten years is like the last ten years, conditions for minorities will be better than they are today. We can also expect that life will never be perfect. We will always live with some social injustice. The question is what can we do to speed up the rate of improvement, and who should do it? There is a movement now underway in North America which I believe has the potential to move us ahead rapidly in the human relations area and perhaps will contribute in a sudden way to improving the conditions.

The New Management Styles

Many new theories of management have risen to popularity and have diminished over the last twenty years. Most of these theories

have heralded the rise of humanistic management. Some would call it the team approach to managing organizations. The team approach, of course, implies that all of the employees in an organization are on the team. They have full membership and they are valued for the contribution they can make.

The Japanese have discovered the enormous power of this kind of management system in the release of human potential. In North America, a few organizations have been successful in achieving very good results not only from a human relations viewpoint but from the point of view of productivity, quality standards, efficiency leads, and the like.

The essence of this kind of management is in the view management takes of its employees. For example, in such organizations

- 1) No one is better, (i.e. superior) or inferior to anyone else.
- 2) Status levels are minimal. The boss is a helper, not a superior.
- 3) Decision making is a shared experience. The important thing is to achieve the best solutions. The boss may not be the person best qualified to make the decision.
- 4) Membership on the team is earned by competence. You must be a good worker to retain membership. It is high competence which is valued.
- 5) Communication is open and free. No game-playing goes on, nor is deceptive practice tolerated. This kind of work group only values superb performance.
- 6) Informality is common. The organization succeeds because it is flexible and informal. It is what works that counts. The objective here is to ensure that the organization does exactly what needs to be done to succeed.
- 7) The individual is valued as a human being and his goals in life are important. The organization and his colleagues strive to enable each employee to become a successful human being.

- 8) No less important are the goals of the organization, for it is broadly understood that a successful organization is imperative.
- 9) Communication is open and free, without distortion or hidden purpose.

What does all this mean for ethnic and racial minorities? What I believe is this: the organization of the future will be very close to egalitarian in nature. The hierarchy of authority will be replaced by work teams of equals. The value of the individual will be measured by his or her ability to contribute. Race, colour, or background will become matters of complete irrelevancy.

The motivation for change in this direction is strong. Organizations which do not adapt will eventually fail. Workers are already showing great impatience.

Dealing with Confrontation

My work in remedial labour relations has produced some remarkable insights about conflict and confrontation in labour - management relations. Over the past few years, I have been involved in experimental work in collective bargaining. The purpose was to convert the adversarial process into a problem-solving activity in which everyone involved has a stake in the outcome.

Briefly, what this process accomplishes is to establish the outlook that the employees and management are not natural enemies, but rather they are on the same side. The collective bargaining process is a problem-solving activity. The resources of the union and management then can be deployed jointly in the resolution of problems. In this new process, each side tacitly agrees not to use power in the process. The results then become the measure of the effectiveness of the group.

In this new, non-adversarial collective bargaining technique, we employed some radical but effective devices which allowed the parties to resolve differences harmoniously. I can see some opportunities for those people who are involved in ethnic and racial problems to use the same techniques.

1. For example, instead of approaching the other side with demands, put forward the problem. Make the problem the centre of focus, not the conflict. Enlist the other side's help in finding a workable solution satisfactory to both sides.
2. Use all the resources available. Avoid negotiating in a win-lose manner. Only solutions acceptable to both sides are allowed.
3. Use problem solving techniques. We know quite a bit about how to solve problems. In collective bargaining, we noted a remarkable change in atmosphere and in attitude.
4. Treat each other with dignity and respect. Even though they may hold a different attitude and belief than you do, they believe they have good reason for holding them. The objective is to allow each other to examine their positions in an atmosphere of trust and confidence -- not of fear and anxiety.
5. Look for what is right, rather than who is right. Make sure you change your mind if you see evidence that you are in the wrong. Be flexible. It is the best solution that is being sought.
6. Listen carefully. One of the most common problems in collective bargaining is communication. We do not listen well to each other. When one is not heard or understood, the level of frustration and anger rises sharply. Listen actively.

We have found that this process changes the entire relationship. The parties become willing to co-operate. Mutual respect increases. The solutions to the problems are better. Each wants the other to get out of bargaining what they want.

I indicated earlier that the adversarial approach is not likely to pay off in terms of attitudinal change. Neither does that approach pay off in labour relations.

The real problem in racial and ethnic problems, of course, is attitude. I believe real progress will occur when each side begins to view the other differently. Abraham Lincoln is reported to have said once, "I dislike that man so much, I would like to get to know him better". Perhaps Lincoln had a message for all of us.

2) The Public Service Commission

L.R. Gibson, Regional Director
Ontario Region
Public Service Commission

The public Service Commission, is the central agency of the federal government responsible for staffing the Public Service.

It would be ideal if we could hold to the view that competitive processes, employment policies and practices were equally inviting and supportive to all, but such perfection is not always practicable. The Public Service is still a long way from being a mirror image of the various publics that it serves. No staffing system is ever perfect, and when members of minority groups claim that policies, practices and attitudes tend to favour Anglophone males, they can argue their case rather convincingly. This is not to imply that attitudes are worse in the Federal Public Service; indeed, there is considerable evidence to the contrary.

To date, we have felt comfortable in undertaking a variety of measures to ensure equal opportunities in the Public Service. Very few managers are not aware of their responsibilities with regard to ensuring equality of opportunity and new measures are being taken to ensure their accountability in this area. Special recruitment drives aimed at minority groups have encouraged them to consider public service, ensure they are welcome and inform them about jobs. Despite these measures, however, certain barriers admittedly do exist. Perhaps we can now look at some of them.

1. Public Service Employment Act

This is the federal legislation that gives us our mandate to staff the Public Service. It specifically provides that there shall be no discrimination in staffing on the basis of race, colour, age or sex. However, this same Act provides that there shall be preference

in appointment given to Canadian citizens. This does not mean that non-Canadians cannot be employed but it does mean that a non-Canadian may be employed only if no Canadian citizen is found qualified and available. The very legislation under which we operate, therefore, is discriminatory in favour of Canadian citizens.

2. Language

The official Languages Act of Canada proclaims English and French to be the two Official Languages of Canada's Public Service. Although other languages may be spoken in the workplace, and indeed, may be quite necessary, nevertheless, selection and appointment to a Public Service position will require a candidate to have proficiency in either French, English or both. To the extent that a new Canadian may not possess fluency in either of these two languages, we have another example of legislation that could impose a barrier to employment.

3. Academic Qualifications

Often new Canadians possess degrees or certificates from educational institutions in their native countries that are unfamiliar to Canadian employers. Initially, this may be perceived as a barrier to employment but it need not necessarily be so. Certificates of equivalency are available from university registrars that will translate the foreign degree in terms of the Canadian university equivalent. The onus for doing this clearly rests with the candidate.

4. Recruitment from Outside vs. Recruitment from Within

Another barrier to ethnic and minority groups that has tended to perpetuate the imbalances that exist in the mix of the work force, has been the statutory provision for managers to fully search inside

their organizations before being permitted to go outside and hire from the public.

Although the legislation still provides that the manager must make a conscious decision on this choice, recent years have seen a marked trend toward hiring at higher levels from the outside. The reasons for this are twofold: first; new demands arising from changing technology are forcing the manager to go to the public for scarce skilled labour resources and, secondly; pressures are being brought to bear on the manager to acquire a more representative work force in terms of minority groups which results in recruitment from outside at pay scales that would previously have been offered only to employees within the organization.

5. Recruitment Advertising

Traditionally, major employers have placed their recruitment advertising in the major English-speaking newspapers.

It has been recognized that this traditional source of advertising may not be the best way to communicate our staffing needs to members of Canada's racial and ethnic minorities. Accordingly, plans are now underway to place informative recruitment advertising in some 18 different ethnic newspapers, magazines or journals in the Metropolitan Toronto area, at least on a pilot basis, to assess the extent to which this may enhance our recruiting efforts.

6. Attitudinal Barriers

The staffing process by its very nature must be discriminatory. Indeed, any process which involves ranking and selection must discriminate one person from another on the basis of their respective qualifications. I am sure you will agree that the only type of discrimination we may have cause to worry about is that motivated by prejudice against age, sex, colour, racial origin, etc. To what extent this type of discrimination exists, I don't know.

Canada's acceptance of the United Nations' Declaration of Human Rights, coupled with the provisions of both federal and provincial legislation, protects all Canadians against discrimination. Federal public servants enjoy additional protection under the terms of the Public Service Employment Act. The Public Service Commission has always dealt with complaints involving discrimination but it was not until 1972 that the Anti-Discrimination Branch was created to look into alleged instances of discrimination on the grounds of sex, race, national origin, colour and religion. Three years later, in 1975, age and marital status were added to the list of grounds, and cases of disability and criminal records were also handled from that date. Finally, in 1978, when the Appeals and Investigations Branch was created, it included the Anti-Discrimination Directorate as we know it today.

About a year ago an Anti-Discrimination office was opened in Toronto, with a full time investigator to deal with alleged cases.

7. Role of the Directorate

The Directorate is empowered to investigate complaints of discrimination made by public servants; to investigate other complaints of inequity related to the terms and conditions of employment of public servants; and to investigate complaints of discrimination from members of the public seeking employment under the Public Service Employment Act.

The Directorate also plays the role of ombudsman. In fact, many of the complaints examined by the Directorate fall into this category, involving harrassment, unfair treatment, security clearance, and criminal records. In the area of discrimination, the Directorate has been involved mainly in complaints dealing with race, colour, national origin, sex and age. The Directorate has found that, in many instances, complaints from new Canadians arise from misunderstandings on both sides rather than from discrimination, and also because managers often are not sufficiently aware of what may be

considered a discriminatory practice under the provision of the Public Service Employment Act and the Canadian Human Rights Act.

Today, most progressive organizations are exercising every precaution to eliminate prejudicial discrimination particularly at the selection or interview phase.

Our own staffing manual instructs personnel officers as follows: "Questions shall be carefully selected so that no candidate is discriminated against by reasons of sex, race, national origin, colour, religion, marital status or age. Questions of a personal nature, implying a particular view by the selection board of a candidate's role in the work force or incorporating cultural bias that would involve controversial responses on the basis of a candidate's ethnic, religious or social background, are unacceptable."

Attitudinal barriers to employment of ethnic minorities in the work place, to the extent that they may exist, are being attacked in the Federal Public Service, on three fronts:

1. A continuous educational program of public service managers to the government's objective of equal opportunities in the work place.
2. A framework of legislation, the Human Rights Act and Public Service Employment Act, that enshrine the concept of equal opportunity in law.
3. A proliferation of redress and management accountability mechanisms that provides numerous checks and balances within the staffing system for protection of the individual.

In addition to these measures however, and perhaps the most effective deterrent to racial discrimination, is that manifested in the realities of today's labour market.

Every manager is faced with a shrinking pool of skills and talent to draw upon to meet the expanding needs of both public and private enterprise, particularly in high technology work environments. In the interest of survival, managers will be forced to seek out innovative, non-traditional sources of skilled labour, including racial and ethnic minorities. To do otherwise would be self-defeating.

3) Manulife

Fern Stimpson, Consultant
Employee Relations, ManuLife

Perhaps because Manufacturers Life has been an international company almost from the beginning, it developed an early acceptance of equal employment opportunity practices.

At the time ManuLife was entering the United States market in 1903, we were already licensed to do business in over a dozen other countries. A couple of decades later, in the 1920's, we were doing business in some thirty countries around the world.

Wherever in the world ManuLife set up to sell business, our company hired local people for office staff and agents. Our corporate reputation was consistently good and this is a source of pride and satisfaction to our present officers in the International Division.

At home, people of widely differing ethnic origins found employment at ManuLife. Our E.E.O. philosophy was formalized by a task force of company management and staff representatives in 1976. We said then that the major criterion for employment with us was capability to do the job.

In our hiring practices today, all locations where jobs are posted have notices prominently displayed stating that ManuLife is an equal employment opportunity employer. This job posting system is also used to encourage internal career advancement.

All our supervisors and managers - and everyone who is involved, to any extent, in the process of hiring people, receives interviewing information - and this information invariably includes a reiteration of ManuLife's E.E.O. position.

The most prominent part of our application for employment - with the exception of the Company logo - is an E.E.O. message, printed in bold face and boxed. This reads:

"Please do not include any information on this form which would indicate race, creed, colour, age, sex, marital status, nationality, ancestry, place of origin or disability, except where the latter is specifically requested. It is the policy of ManuLife that the decision to hire or reject will only be made on job-related grounds."

Every question on the application has been carefully considered in terms of ensuring its relevance to the job.

In our Help Wanted ads, we do not ask for resumes; we ask for educational and employment backgrounds. For some time now, our ads have incorporated cross-section photos representative of the ethnic variations in the department for which the ad appears.

I mentioned before that our departmental people involved in hiring are informed about our E.E.O. practices; in addition to this, our recruitment department personnel hold seminars for management staff concerning primarily E.E.O. considerations, including stereotyping, advertising and selection.

We use skill tests with applicants in areas such as typing and computer operation, and going beyond this, beginning next year we will be introducing what is known as the Job Effectiveness Prediction System. This is a development of the Life Insurance Office Management Association, known familiarly as LOMA; they started a program four years ago in the U.S.A., with some 100 insurance companies participating, including ManuLife. The system that was developed is to provide us with a set of validated tests specific to nearly 10,000 different jobs in the life insurance industry.

From the testing done by LOMA, they promise that this system will make an important contribution to selecting qualified employees for entry-level jobs in the insurance industry. We are planning to use this new tool in our hiring process for our Canadian operation in the next year. Once hired, career planning workshops are held on an ongoing basis and individual counselling is available as well to assist employees in using the job posting system effectively. Development courses including one on basic communications are provided for all support staff free of charge and external programs are subsidized through an educational assistance program.

Over the past several years, ManuLife has introduced a new Company Charter, a Privacy Code, a Code of Business Ethics, and other statements about what we are and how we operate. In February of this year a new document was distributed: ManuLife's Philosophy on Management of Human Resources. This went to every employee and it outlines again our corporate position regarding equal employment opportunities for all job-related decisions.

It is indicative of the no-nonsense approach of ManuLife that this document acknowledges the fact that stated company philosophy and reality do not always coincide. Because of the way things are in the real world, we have an Employee Relations Centre which consults to staff members on problems of any nature. Individuals who perceive that they have been subjected to unfair treatment are encouraged to contact the centre to try and resolve the issue internally. Complaints pertaining to perceived discrimination are rare.

4) The Royal Bank of Canada

Terry J. Russell, Regional Manager
Human Resources
Royal Bank of Canada

In an endeavour to minimize some of the barriers to equal employment opportunities that ethnic and racial minorities face, the Royal Bank of Canada has taken positive steps to encourage equitable integration, and thereby recognize the personal contributions which people of all backgrounds can make to the work force. I would like to share with you some of the policies and practices through which we feel bias and discrimination can be eliminated on an ongoing basis.

First of all, in the area of employment the bank's published policy reads:

"Applications are accepted and positions filled without regard to the applicant's race, national or ethnic origin, colour, religion, creed, age, sex, marital status, or previous conviction of an offence for which a pardon has been granted. Applications from individuals who possess a physical handicap are treated on the same basis as other applications providing the nature and extent of the handicap will not preclude performance of the fundamental duties associated with the particular position applied for."

"The bank's employment policies are formulated in recognition of Human Rights legislation. Such legislation, however, is not limited to bank application forms and other literature, and steps are taken to ensure that the principles of this legislation are not disregarded during the employment interview. It is recognized that some provincial legislation may be more restrictive than federal legislation, and our approach is to adopt a policy which recognizes the most demanding code."

To be eligible for employment, applicants must possess the minimum educational standards or related work experience to qualify for the position for which they are applying. In addition, if

appropriate, they must have a satisfactory knowledge of the English language. To elaborate on this point, it must be understood that we are a service organization and as such, most of the positions in our organization call for individuals to deal with the general public in the language of business, which in Ontario is English. There are also, however, other opportunities which the bank has recognized in the branches in ethnic communities where considerable efforts are made to recruit personnel from the area who have not only the background and language abilities to service the needs of the clientele, but an appreciation of their customs and traditions.

We are a large international company and our hiring policies do not differ outside Canada. We are committed to respect local legislation in those areas and a great number of our staff, both management and non-management, come from the area in which the branches are situated.

The bank will not hire to fill a vacancy which could be filled through the upward progression of one of our own staff. And again, I quote from our policy on promotions:

"Equal opportunities are provided by the bank for all employees and there must be no discrimination by management or employees against any other employee because of age, sex, marital status, religion, race, creed, colour, nationality, ancestry, place of origin or membership in any lawful organization."

The provision of specific policies is, however, only part of the solution and several measures have been taken to ensure compliance. An Equal Opportunities Co-ordinator was appointed at Head Office to address the situation from a corporate level. As a result and in line with the bank's commitment to equal opportunities, awareness sessions have been made available to management officers, and heavy emphasis is placed by the personnel group on policing the appropriate policies.

A set of working documents called Working Together, Rights and Responsibilities was also produced and handed to every employee. This outlines principles of Ethical Behaviour for both the Corporation and its employees.

We have also had in place for several years a programme called R.S.V.P. whereby any staff member can write in strict confidence to a special co-ordinator who reports directly to the President. The programme is well used and the problems identified are resolved satisfactorily, therefore, we must assume it is successful. We conduct employee attitude surveys on a national basis regularly through outside consultants and the feedback while not always positive is constructive and the vehicle enables us to make needed changes from within.

Although policies and procedures have been formulated in the personnel area to enhance the advancement of women, and in this year of the handicapped, to encourage the employment and accommodation of that group, none have been specifically designed to take positive or affirmative action in the hiring of any one minority group. However, the bank is most anxious that ongoing efforts be made overall in this context through those existing policies. We believe that society is coming to expect more of the business corporation. Today social responsiveness and responsibility are also expected. The bank has a responsibility in society to act as a responsive corporate citizen whose activities benefit the community, the nation and society as a whole.



SECTION D. PUBLIC SECTOR PROGRAM

1) Equal Opportunity and the City of Toronto

Arthur C. Eggleton, Mayor,
The City of Toronto

Involvement by the City of Toronto in the area of equal employment opportunities first came about because of the demands of women's groups. A Mayor's Task Force on the Status of Women was established and once the policies were recommended and approved by council, implementation became the next step. The role of council became one of monitoring the implementation process. Another mayor's task force was established on the disabled and elderly. This resulted in the expansion of the City's equal opportunity program. One of the requirements for the equal opportunity program is the production of an annual report on the progress made by various departments and the corporation as a whole.

In August 1980, when the annual equal opportunity report was presented to council, we decided that the program should be expanded to include visible minority groups. The equal opportunity program was given the task of determining the number of visible minority group members and disabled people who are employed by the City. This directive from council did not happen in a vacuum. As alderman walked about their constituencies it became obvious how the city had changed. We had recognized the existence of many cultural groups; many of us had participated in "Caravan" activities; the City had established a languages bureau, but we had not come to terms with the all important issue of employment. The Board of Education had already taken hold of some of the major criticisms that groups had raised about bias within the schools' curriculum -- it had become the City's turn to examine its practices and policies towards minority groups.

In my inaugural speech as Mayor in December 1980, I committed myself to the establishment of a mayor's committee on community and race relations. It was evident that the 15-20% visible minority group

population and the 35-40% non-Anglo/non-visible minority population had serious concerns about many institutions within the city. Many of you are familiar with these concerns: housing, jobs, policing, press coverage, etc.

The Mayor's committee which is composed of members of various ethnic and racial groups, religious organizations, labour, and politicians, provides a forum for discussion and for resolving these concerns. My commitment to working in this area is unqualified. The public must have confidence in the process of government and must have a forum for stating their concerns. I chair the committee myself so that we can get a smooth flow of action and achievement from government once I have the views of the task force.

The Mayor's committee and City council have already adopted guidelines for our activity in equal employment opportunity. These guidelines include:

- 1) Examination of all employment practices and policies;
- 2) Monitoring of all programs and policies to ensure that they respond to the needs of our community;
- 3) Establishment of a program of staff awareness;
- 4) Seek co-operation with the private sector with the aim of improving employment opportunities by, for example, establishing English classes in the work place, examining the practice of requiring only Canadian qualifications, providing apprenticeship programs to adapt existing skills to the Canadian context, working with the community groups and other levels of government in areas related to employment discrimination.

Having said that I want it to be quite clear that equal opportunity at City Hall does not mean preferential treatment or the sacrifice of the merit principle but it does mean that we are following a policy of inclusion rather than exclusion, seeking out people from the minorities in our outreach program.

These guidelines have been adopted as part of the City's program for improving the employment opportunities for minority groups. The Mayor's committee is also examining police hiring and training, the introduction of a public education campaign and the expansion of equal opportunity activities with specific working sub-committees with a mandate to produce action in each area.

Toronto City Council is committed to safeguarding the rights of our citizens. We want to make sure that this city continues to live up to its reputation as a city in which we can all live and work together.

2) The City of Toronto's Equal Opportunity Program

Mary Bruce, Administrator,
Equal Opportunity Program
City of Toronto

Equal opportunity is defined at City Hall as "equal access to recruitment, training, development, and promotion". The City of Toronto endorses an equal opportunity policy but our program also has some affirmative action components. This means that our strategies are designed to remove the unnecessary barriers which continue to restrict employment and promotional opportunities for special groups within the City.

The City's Equal Opportunity Program is the result of the 1975 Mayor's Task Force which examined the distribution of women in City Hall and compared the patterns between women's and men's wages in each department. In 1979, a review of what was happening in departments pointed out there was awareness of the program but limited action. Council then approved the proposal that the program be stepped up and it was recommended that there be a full-time administrator of the program with resources for consultation, training, and implementation.

During 1979, the Human Resources Development Committee and the Personnel Department were approached by various groups requesting information on the opportunities for employment at City Hall. To answer these requests, the Human Resources Development Committee requested a Task Force be formed to investigate the municipal employment policies concerning special groups, including visible minorities, Native people, the disabled, the elderly, and the mentally retarded, in addition to the already established employment program for women

In the meantime, the Equal Opportunity 1979 Annual Review on men and women in the City was sent to Council for approval and an additional recommendation was added to this report stating: that the approach used to develop the Equal Opportunity Program for women be considered for

special groups such as the disabled and minorities, and that a program be developed.

There were two results that came from this additional recommendation: an Outreach Recruitment Officer was hired to develop a program for people with disabilities, and I began to work on investigating the employment situation for visible minority groups in the City.

The Human Rights Commission was contacted and approved the instrument that we would use to collect internal workforce data on visible minorities.

The forms were sent to managers in City departments and they were asked to identify, by job titles, employees who belonged to a visible minority group. When the statistics were returned, they were tabulated and presented by job category instead of job title to ensure the confidentiality of the employees concerned. The results showed that 6.7 percent of the City workforce or 394 out of a total of 5,858 employees belonged to a visible minority group. Since no data could be presented without information on the external workforce, a consultant was hired to collect the data on the groups identified and these statistics were presented to Council in the form of the Equal Opportunity Employment Utilization Study.

As a result of this report, two staff members will be hired: a Program Development Officer and a Research Statistician. The Program Development Officer will work with managers and employees at City Hall, other levels of government, boards of education, the private sector and community groups to implement the program. The Research Statistician will collect the data and do the research necessary to implement an equal opportunity program for all special groups.

I believe the City is serious about its equal opportunity programs, but it takes time. Change will and must happen. Systems and procedures which prevent any group of people from achieving equality must be

eliminated. Organizations that do not provide equal access to recruitment, promotion, training and development must be identified and be required to change. Too many organizations make awareness the main goal of their Equal Opportunity Program. This not enough. My question is: What are we going to do with all this awareness? What action we are going to take?

To ensure that there is action at City Hall, Council has asked each department to develop an action plan to enable them to move toward equality of opportunity for all employees. Management is required to set out specific objectives, what we call planned results, identify the activities that will bring about these results, pinpoint the resources needed, state the people responsible and decide on criteria by which the results can be measured.

By using this method to achieve equal opportunity objectives, we are working towards employing the best human resources available. I have found that a considerable number of these resources are consistently overlooked because they are women, because they are disabled, or because they are minorities. This method of implementing equal opportunity enables us to take action and then measure the results.

But there is more to an equal opportunity program than action plans. Equal opportunity is one of the cornerstones of good management. Organizations have to manage resources well in order to be successful and the most important resource is people.

Equal opportunity decisions are really decisions about the allocation of resources. Decisions about who gets which jobs, who gets promoted, how do people gain satisfaction from their work, on what basis is training and development provided for staff, who sits on hiring and promotion committees?

Recognition of this principle of management has to be made at the top of any organization. We are fortunate within the City of Toronto

corporate structure to have a built-in framework for policy and monitoring, and that is the elected City Council. Not all organizations have a built-in conscience.

However, no matter what type of organization one is associated with, the paper policy is not half as important as the day-to-day style of operation. As people carry out policies and programs, they reflect the attitude and commitment of senior management. If officials at the top think that equal opportunity is just a token matter, no one will take it seriously at the lower levels of the organization.

When we come to talk about implementing equal opportunity, the theory stops, and we realize how difficult the work really is. People who work in equal opportunity programs joke about the requirement for "danger pay" and sometimes you need it, because what equal opportunity often means is a re-ordering of priorities to make organizations more efficient, sensitive, and equitable.

But what does all this mean on a day-to-day basis? For someone like me, it means working with a very limited number of opportunities. There are few positions that become available to external applicants in the City. Most are temporary and casual opportunities. For example, in 1981 to date, only 94 permanent positions became available to outside applicants. Sixty-one of these were labouring and fire-fighting positions, twenty-six professional, managerial, and technical positions, five clerical, and two miscellaneous positions, which would include machine trades or service occupations. City Council has stated that they want to reflect the population of the City of Toronto in the workforce, which is estimated at 15 to 20 percent. Using the minimum objective of 15 percent we would have to hire a minority person for every position that became available to external applicants for approximately the next five years.

We all know that any organization working on the merit principle will be unable to do this. But managers at the City of Toronto have realized that equal opportunity is good business practice. The results of six years of stimulating, facilitating, educating and co-ordinating are beginning to pay off.

Two City Hall departments have set targets for increasing the number of women in both non-traditional and technical positions in the City of Toronto. The Equal Opportunity Program will be requesting Council for permission to develop a computerized technical assistance package for setting goals and timetables to increase the number of women, people with disabilities, and minorities in the City workforce over the next ten years. I like to describe these goals as the minimum standard we will set to achieve a reasonable representation of women, minority groups, and disabled people in fields previously inhospitable to them. These goals are the bottom line percentages that our institution must achieve in each job category in order to directly attack the social indicators of job discrimination. When we have achieved these goals, we will have had significant effect within the civic service on removing the higher unemployment rate, lower occupational status and lower income level of disadvantaged groups.

By implementing this kind of program we are not telling business or other levels of government how to organize their personnel practices. All we are doing is saying that in the civic service we will show our good faith in attempting to achieve both social and financial objectives. We will demonstrate our leadership in correcting the social ills in employment. The City of Toronto does not want to be found guilty of making promises regarding employment practices, but doing nothing substantial. Setting goals and timetables is a sign of our commitment.

There will be problems. One of the biggest hurdles in setting goals and timetables is confronted in the setting up and funding of the administrative framework. We have already computed the number of women, minorities and disabled people currently employed by job classification within each department and within the total organization. The next step is to discover the availability of these groups in the workforce. Then we can set the appropriate goals to narrow the difference and the time frame in which we should achieve these goals.

Establishing availability is the most difficult task. First, we must look within our own organization at the members of special groups

whom we can train in the requisite skills or who are promotable. Then we must determine the boundaries of the outside recruitment area. Within this geographic space, we will try to discover statistics relating to the population, employment and unemployment of the various groups. We will look for the percentage of people within these groups who either have the requisite skills for jobs within the civic service or who are attending institutions that provide training in the requisite skills. Our goals and timetables will be geared to these variables.

How exactly the goals and timetables will be achieved will depend on the civic service expansion and contraction, turnover and retirement rate, and realistic estimates of recruiting needs. The community group leaders tell me to stop suggesting more reports and more research and get on with the job, but I want you to know that when I go to a manager who is about to recruit for a certain position, I have to have the information that there are qualified candidates ready to apply for that job.

Our goals and timetables will not be implemented when there is no perceptible discrimination in hiring against a particular group. We will determine this by the rate of employment of members of the group in comparison to their availability in the workforce.

At a recent meeting someone said that they were increasingly impressed with the possibility of legislation in an area where there is a lack of consensus. I do not know if legislation will smooth the path to equal opportunity. There is a new and larger context in which affirmative action and legislation are developing. Until recently, there was no constitutional statement concerning this phenomenon in Canada. The Charter of Rights contains affirmative action sections that will be applicable both federally and provincially. At the Ontario level, Bill 7 is still under discussion. Its future is also uncertain, but if it is passed, it will expand provisions for affirmative action programs. Certainly the proposed Code does not preclude goals and timetables.

The existence of the City of Toronto's program does not depend on whether these pieces of legislation are passed. Our program is in keeping with the spirit of existing legislation. Our Equal Opportunity Program uses job qualification as the controlling factor. I know that there are more women, disabled persons, and minorities with the requisite skills for employment in the civic service.

I do not consider the process of setting up goals and timetables to be extraordinary. Once the goals have been achieved, the civic service will be free to operate personnel systems that do not take into account sex, race or disability. Although we are just beginning to look at goals and timetables as a method of reaching our equal opportunity commitment, there is an end in sight. I look forward to the day when our system will function on its own in a fair way.

The City of Toronto is committed to remain a leader in the equal opportunity field. My job is to see that the systems to ensure the end result of equal opportunity are in place. I have learned to count in ones and every individual breakthrough is important to me. I just want you to remember, that equal opportunity is not a moral issue at the City of Toronto, it is good management practice--it says to managers, make use of all your human resources, in other words "EMPLOY ABILITY".

SECTION E. LANGUAGE AND CROSS-CULTURAL COMMUNICATION

1) Language Training in the Workplace

Jill Bell
Consultant to the North York
Board of Education

The Levi Strauss English in the Workplace project differed from most other Ontario workplace projects in that its primary aim was the development of teaching materials for use in Levi Strauss' plants, rather than the establishment of a course of English lessons.

The Employee Relations Manager of the Hamilton plant of Levi's had been offering English lessons on her own time during the lunch break for more than a year; she felt a need for materials which were directly relevant to the workplace. Levi Strauss accordingly approached the Community Outreach in Education (CORE) Foundation, (a registered charity operating in co-operation with North York Board of Education) and asked them for help in identifying or developing suitable materials. Working with a proposal drawn up by the ESL (English as a Second Language) Co-ordinator for the North York Board, Jean Handscombe, CORE was able to obtain funding from Wintario to match the monies donated by Levi Strauss, and the project was set up in March 1981, running for three months with myself as consultant.

The first stage in the project was the performance of a language needs assessment. In an effort to determine which language items were most frequently used in the plant, I went through the orientation and training programme, and attempted each and every operator's job on the floor, learning the job specific vocabulary as I did so. The needs assessment also involved many hours of taping conversations, both work-related and social, in plant, office and cafeteria. I interviewed employees at all levels from manager to cleaner, and asked each one what problems they saw arising from language difficulties and which areas of language or orientation information they would like to see taught in the English classes. This gave me much valuable information as to plant inter-actions, but more importantly it involved everyone in the plant in the forthcoming English lessons and went a

long way towards ensuring that I would meet with co-operation.

Once the data collected for the needs analysis had been assessed it was possible to begin developing the materials, observing the following parameters:

- a) The goal of the initial course of lessons would be largely increased oral competence as the students had little immediate need for writing skills;
- b) The materials would include information about the operation of the Levi Strauss plant, its payroll system, benefits, health and safety policy, etc;
- c) The lessons would begin with an introductory section designed to build confidence and introduce students to new teaching/learning techniques with which they might be unfamiliar;
- d) The materials would cover the language necessary for social conversation, (i.e. the use of English in low stress situations) before attempting language on the job itself;
- e) The materials would be set up to allow for mixed ability classes reflecting the limited amount of time available during the lunch break.

The materials were subsequently developed in prototype format and consisted of a kit containing a teacher's guide, filmstrips, sets of photographs, cartoon stories and a number of other items. They were well received by Levi Strauss and are scheduled for use shortly in their Brantford and Hamilton plants.

What we can draw most obviously from this project is the great need for job-related materials and the importance of teaching work-related language in workplace classes. It is extremely difficult for a teacher to develop adequate materials for such a class when paid only for the actual teaching hours, and it would seem crucial that workplace teachers be given sufficient lead in time for them to

thoroughly familiarize themselves with the plant in which they will be teaching. Very little is commercially available which is suitable for the Canadian workplace and for the most part the teacher has to rely on his or her own resources.

The possibility is currently under discussion of a follow-up project which would adapt the materials developed for Levi Strauss, making them less specific to the needle trade and more generally useful in production line plants. Work is also needed to produce comparable materials for hospitals and other service industries.

There are, of course, a number of advantages which should accrue to the employer from increased English competence in the workforce, including lower rates of absenteeism and lateness, decreased staff turnover, improved safety record, ease of job transfer etc. Unfortunately, there are not as many figures available to support these claims as one would wish as English in the workplace is still a new field in Canada, but the results which have been achieved so far are very positive.

2) The Importance of Non-Verbal Communication

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When we think of communication skills we focus on oral communication but that is only part of the total communication. To succeed in obtaining a job or being promoted in a job we need to be aware of the total communication process. In this paper, I am going to focus on nonverbal behaviour, the silent but very powerful language. The reason nonverbal behaviour or body language is so important is because of its impact in making a positive or negative impression on others. Considering the job market as it is today we need to make a positive impact in attempting to be hired and promoted. Obtaining promotions and being hired if you are from an ethnic minority group is no easy matter. There are many stereotypes that are often times negative that our ethnic minorities must overcome to be successful in obtaining a job, being promoted and having good positive relations with the employers and fellow workers while on the job. Included in this paper will be research on stereotypes of different ethnic minorities in attempting to be hired for a job.

First, let me explain what body language is, and how it is related to culture and language. Body language and verbal language are intertwined and can affirm or disconfirm what is said. It is culture bound and could produce problems in the work and hiring situation, so it is important to be aware of how you come across with your body language in these situations. Body language is normally out of our awareness. You can listen to what you say but it is difficult to watch what your body language is saying. You are always communicating; it is impossible not to communicate.

Nonverbal behaviour or body language in interpersonal communication refers to the space of distance we keep from one another,

our facial expressions, body posture, eye contact, gestures and such things as our tone of voice, hesitations in speech and loudness of our voice. Each of these are culture bound. For example, people from Latin, southern European or mid-Eastern countries are normally referred to as contact oriented. That is, they stand close to one another while speaking, frequently touch the person they are talking to and may gesture for emphasis.

In contrast, English Canadians are considered to be non-contact oriented. They keep people at arms length while talking, normally do not touch the person they are talking to except for a handshake, and normally do not gesture a lot with their hands while talking.

How can these differences affect the job situation? There may be instances when contact oriented workers may put off non-contact workers and employers by standing too close, touching, and showing emotions through gesturing. The non-contact oriented worker or employer may feel this person is crowding me, pawing me and showing little control of themselves. As a result, they may move away from the contact oriented person, tell the person to keep his/her hands off or ask this person to show more control while speaking. Or the non-contact oriented persons may say all this with their body language, i.e. move far from this person and show anger or disinterest on their face. The contact oriented worker may not understand what is happening and may feel offended. Both don't understand each other's culture or ways of communicating. They may start stereotyping each other. The English Canadian worker or employer may stereotype the Latin, Middle Easterner or Southern European worker as being "too loud", "too pushy", "too emotional" and the English Canadian worker or employer could be stereotyped as being "too distant" or "like cold fish" to talk to. In fact, these stereotypes do exist as was found when some new Canadians and English Canadians were interviewed.

The question is whose responsibility is it to learn the culture of the other and the special ways of communicating? The person from the ethnic minority group or the employer or fellow workers from the

host country? Who should give in? I will attend to this issue later on in my paper.

You can see from the above example how body language can be very important and lead to misunderstanding in the work place. Body language is powerful because it conveys our attitudes toward one another, (e.g. liking or disliking, how dominant or superior we feel toward others and how responsive we are toward others, positive or negative). It also conveys our emotions. The important thing to realize is that on the job we convey three parts of ourselves when communicating in inter-cultural or inter-racial situations. Our cultural self which is hard to forget without losing our identity, our universal self (i.e., the commonality we have with all people like the basic emotions) and our own individuality, our unique selves. If we remember this it will be hard to stereotype one another.

I can give you an example of the results of some of my research on the role body language plays in the job interview. If there are communication problems for ethnic minority groups at the hiring stage, then there are likely to be similar problems on the job. Six individuals who are in job personnel in government, education, banks and media were interviewed. They were asked, among other things, about communication skills and body language that turned them "off" or "on" regarding the people they interviewed for jobs. One question dealt with their impressions of people from minority groups. Here are some generalizations that were made about three groups, all visible minorities. The West Indians were stereotyped as arrogant, having a chip on their shoulder, cocky and sarcastic, slow to talk and walk, sprawling in their chairs and laid back. Jamaicans were thought to have an accent, having a lot of "bite" and more "pep". One personnel manager said he does not trust West Indians and is afraid of them because they may go to the Human Rights Commission. In contrast, the Asians were seen as unemotional, cold, don't smile, no sense of humour, intelligent and hard to regard as

persons. Lastly, the East Indians were seen as over-polite, modest, some cocky, like to handshake, tend to apologize a lot, have a garlic odour and lie the most or best.

We have little or no published information at this time of how ethnic minorities stereotype job interviewers, employers, etc. The advice given to minorities by the personnel managers to make a positive impression was as follows: "Learn how the game is played, nobody hires or promotes people who don't get along, don't use political pressure, be conventional, show confidence, be clean shaven, show good listening skills, be on time, be prepared, answer questions directly, don't be arrogant, and practise S O F T E N." Smile appropriately, be Open, lean Forward, Touch by handshake, keep Eye contact and head Nods occasionally. When on the job or going for the job, the minority worker might see to what degree the employer or fellow workers are practising S O F T E N. If they are, it probably means they are showing positive body language. By practising S O F T E N in the job interview, ethnic minority workers can help avoid being stereotyped.

People tend to prefer those most like themselves in appearance, dress, values and in body language. There is considerable research that supports this view and shows that we understand the body language better of those who come from a similar culture and language group. Also, we tend to like, promote and hire those who believe as we do and show similar body language as ourselves. "Every culture has a script with roles for different people to play in different social situations like the work situation. If we don't know the roles or the script it's like being pushed on stage in the middle of an ongoing play without a script, without knowing the roles, even the plot, when in a foreign work situation."

So what is an ethnic minority worker to do? How can he/she cope with the job situation? What is an employer to do? What kind of training or orientation program would be appropriate? Should the

worker learn the cultural rules on how to succeed? Or should the employer be responsible to learn the roles, rules and script of the culture of the ethnic minority worker? What do you think, who should give in? Should we train ethnic minorities to act like Anglo-Saxons or employers to act to some degree like West Indians, East Indians or Asians at the appropriate time?

Certainly there are benefits to both the worker and employer to attempt to avoid mis-communication and stereotyping. With less stress in the work situation there would be less chance for mis-communication and therefore a greater chance for more productivity, more profits, higher morale, better wages and more opportunity for promotions. Both the employer and worker would win.

We need research on ways to promote harmony in the job situation, ways of overcoming stereotyping, prejudism, racism, discrimination and ethnocentrism -- the "five deadly sins" or barriers for positive inter-cultural communications. Lastly, we need to emphasize not only ways we are different but also the ways we are alike and make both work for us in the job situation.

3) A British Experience Training for the Multi-Racial/
Ethnic Workplace

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I would like to describe the service that the National Centre for Industrial Language Training provides as a form of affirmative action through training in the workplace. It is aimed at eradicating any discrimination which can be attributed to a deficit of language and communication skills in the workplace - and that deficit can be present in all groups including the white Anglo-Saxon one.

1. INTRODUCTION

First of all I want to explain briefly what ILT does and is and then expand on that description later having put it in the wider context of the British response to the employment of racial and ethnic minorities. This will include a brief look at why immigration occurred, the legislative framework, institutional arrangements and the climate of opinion which exists in Britain today. Then I want to describe the main facts of discrimination and disadvantage that ethnic minorities face in employment and look in general terms at ILT's response to these facts. I then want to look in more detail at specific responses in relation to short case studies of particular workplaces where we have run projects.

From these case studies I hope it will become clear that ILT is only a partial response to the multi-cultural workplace. It needs to operate within an appropriate legislative framework which insists on equal opportunity for everyone, where policy makers are prepared to make a radical re-appraisal of existing institutions in the light of that framework, and where a climate of opinion prevails which embraces a positive attitude towards the multi-cultural society in which we live.

Finally, therefore, I shall be highlighting some of the inadequacies of the present response and pointing out what I feel is necessary for the successful implementation of this kind of training in the workplace.

2. INDUSTRIAL LANGUAGE TRAINING

Looking then at ILT - our organization and its present terms of reference. We are a group of 30 units situated in areas of high ethnic minority settlement, funded since 1978 by Central Government but rooted within local education provision. The National Centre where I work is small (5 professionals) and services these 30 units of small teams ranging from 2 - 7 people. ILT provides a training and consultancy service in the field of employment to help people acquire the awareness and skills to communicate effectively in English in multi-cultural workplaces. However, at the moment, we have no statutory right of access to these workplaces and need to work hard and long at selling our services. On the other hand, we have fought for and won a recognition of this fact and have as a result achieved special arrangements and conditions for trainers carrying out this work which I think are very necessary but which I won't go into here. Perhaps the most important feature to note is that our training is not provided in an educational institution for people to come to in their own time but is provided at the workplace itself during working hours.

It is true to say that our initial aim back in 1970, when the scheme first started in a very small way with one unit, was one of traditional language teaching - but participation in the workplace environment where we were faced with the facts of discrimination and disadvantage of the ethnic minority worker made us realize very soon that a basic mastery of English by these workers was not sufficient to make communication effective. The native speakers of English in the

workplace needed training as well. So, although our main aim is still the improvement of the language and communication skills of ethnic minority workers in order that they shall begin to realize their potential as individuals in the workplace (and begin to exercise more control over their environment) - and we deal with all levels of language and communication skills - we also run complementary training for management (first line supervision in particular) and trade union representatives. But I shall talk more about that when I move onto the case studies. To give you some idea of the scope of the service, since 1975 we have trained approximately 20,000 people. In the last two years we have worked in 255 workplaces with approximately 5,000 ethnic minority trainees and an equal number of white Anglo-Saxon trainees. We now have about 100 trainers.

3. THE BACKGROUND TO THE BRITISH EXPERIENCE

Let me turn first to look at the British experience of the employment of ethnic and racial minorities; the patterns of immigration, settlement and employment, the legislation that has resulted, the climate of opinion that has evolved, and the institutional arrangements that have been made of which ILT is a part.

Immigration

The British experience of immigration is probably familiar to everyone here: shortage of labour after the second World War, economic boom in the 50's and 60's leading to the encouragement of immigration from the former colonies, in particular from the Caribbean and South Asia to provide labour for manufacturing and service industries; settlement of these groups in and around major industrial urban areas which are notorious for bad working conditions, noise, dirt, long hours, immigration to fill unskilled and semi-skilled jobs which the indigenous population did not want to do - primarily in textiles, engineering, foundries and in the service industries such as transport and the National Health Service.

The Legislative Response

The response in legislative terms has been contradictory. On the one hand there has been legislation to control immigration - the latest Nationality Bill. On the other hand, there has been a liberal response to the realization of the existence of racial discrimination as typified by the Race Relations Act of 1976. This contradiction exemplifies the conflict in people's minds between being a British subject which with our legacy of imperialism is fine, and being a British citizen with all the rights that that entails which is not so easy to accept.

Bear in mind here that we are talking in a European context of a traditional class-stratified, mono-cultural society from which people set forth to settle in other countries - that is to colonize other countries, and where we have had very little experience at all of immigration as North America has experienced it.

Although our legislation has removed the cruder forms of racial discrimination, the contradiction I have referred to has meant that there has been NO ambiguous lead against racism.

By default, therefore, this has permitted a climate where, as the riots in Britain this summer testified, situations can be politically exploited by some in racist terms. It is my opinion that these 'civil disturbances' as they were referred to earlier, have to do with other factors such as having three million unemployed - a disproportionate number of them admittedly black youth but also including a large group of alienated white working class youth, and a legacy of bad relations between the police and the visible minority groups.

Institutional Arrangements

To complete the background let me talk briefly about the various institutional arrangements which have been made. The point to note

here is that the response has been limited in effect to the creation of special institutional arrangements - the response of existing institutions/public bodies has been virtually nil. Within these special arrangements there are bodies like the Commission for Racial Equality which monitor the legislation and have the power to enforce it and a Department of Employment Service offering advice on how best to comply with the law. However, in the field of training and consultancy geared specifically to the multi-cultural workplace there is little besides ILT.

4. THE FACTS OF DISADVANTAGE AND DISCRIMINATION

It is within this sort of situation that I have just described that ethnic and racial minorities live and work in Britain. I want to focus here for a few minutes on the discrimination and disadvantage which they meet once in employment.

Overcoming this first hurdle of finding employment by the way is becoming increasingly difficult to achieve. I have already referred to the disproportionate effects of unemployment amongst black youth, but it is also affecting immigrants who have worked for many years in British industry. From the latest figures that we have on ethnic minorities and unemployment we can see that these people are now being 'selected' for unemployment because they have settled in unskilled jobs in the very same industries which needed them in the 50's and 60's which are now decaying and where massive redundancies are taking place. At the same time employers are becoming more selective and introducing more formal recruitment procedures - including forms of language testing which have caused a great deal of trouble to employers like British Leyland and British Steel.

Having overcome this first hurdle of finding employment, what other obstacles have these workers to overcome in order to attain:

- equality of treatment;
- development of their potential as participants in the workplace;
- access to opportunity for advancement and promotion all necessary to an individual's self-esteem and ability to operate effectively in that workplace and in society? The obstacles are many;

- prejudice and racism are there, of course, but also - and these we can tackle more directly;
- systems which are inappropriate to multi-cultural workplaces; and,
- lack of knowledge of the majority group's social and cultural norms as well as their language.

This last area of disadvantage should not be under-estimated. As the Director of the National Centre, Tom Jupp, put it in his evidence to the recent Home Affairs Committee on Racial Disadvantage:

"People who have settled in Britain must acquire far more than the formal linguistic features of the English language, they must acquire a knowledge of the social and cultural values of the majority, of the constraints which these impose on behaviour, including language behaviour"

in order to communicate in English successfully or at least to fulfill their part in an interaction with someone from the majority group. But equally the majority group has a function to fulfill in this interaction and a responsibility to make it work - especially given that the individuals from the majority will be in positions to allow or disallow access to what should be the rights of every worker. That is, they act as 'gatekeepers' to equality of treatment, development and opportunity in the workplace. It is through interaction that these rights are often negotiated and a lot of our developmental work recently has been based on the strong belief that discrimination has a communicative dimension to it and that the process of sensitizing all groups but particularly the white majority to this process is a vital one.

Let me state again clearly that I am talking about discrimination here, but of the subtle kind, where decisions are being made about individuals on the basis of rules no one talks about and where you have to be a member of the dominant culture to know about them.

5. THE ILT APPROACH

Let us look more closely at what I mean by this. Within any workplace you have the different groups of management, union and work force

and within those major groups, different sub-groupings. Effective communication between these groups is important anyway. In a mono-cultural setting each group brings to that workplace its own language or communicative style, its own culture with a small 'c' and norms (and I include here 'class distinctions'), and its own systems of operation. If these groups are all from the majority linguistic and cultural group, each group will have access to the other. In other words the variables, although important and a source of potential conflict as we well know, will be at a surface level. At a deeper level, there will be some degree of consistency and internal logic. So, in any interaction, the participants will have expectations about the outcome which to a large extent will be met.

Minority groups introduce into the situation a linguistic and cultural diversity of a different kind. On the surface this may appear to be just another set of variables. Underneath it is very different and because this is so - suddenly the rules of the game no longer apply - and 'real' communication is more difficult to achieve. In the absence of 'real' communication, damaging stereotypes are formed and people are penalized because they fail to measure up to majority standards. Given that the systems which operate are probably based on those same standards, it is highly unlikely that they are going to be suitable to minority groups without at the very least some form of moderation, at the most, complete re-appraisal.

Let me say here, quite strongly, that it does not make sound business sense to live for long with this situation. All parties will suffer if a section of the workforce is under-developed and alienated in this way - management, trade unions and the rest of the workforce. There only needs to be some change taking place in the work environment - the introduction of new technology or in the world outside - a recession - for the systems which are already under strain to collapse and for the whole shaky edifice to come tumbling down. (We are often asked into

companies by the way, because of their inability in these circumstances to cope with change.) Ultimately, this could mean that the very existence of the company is threatened in that it will find it increasingly difficult to meet its operational standards and targets.

So in ILT, in the survey which precedes every project, we start by looking at the company's operational standards and targets and the systems by which they are implemented. We ask ourselves how well these work in terms of the people they are meant for. We do this by listening to the views of all the groups and checking on how far they share each other's perception of the situation. We make an assessment of the communication skills needed to operate these systems and identify where these systems are inadequate or simply inappropriate.

A training programme is then designed which is built around the main concerns of the groups involved whether it be compliance with Health and Safety legislation on the one hand or a need for the workers to know the grievance procedures on the other.

It follows from this that we believe that in order to achieve anything of significance in such a situation we must have the co-operation of all the interest groups - and I cannot stress this too strongly - without this co-operation and commitment, the best results cannot be achieved.

6. CASE STUDY I

The case studies I am now going to describe - one of a project in a manufacturing company, the other in the public service - are, of course, good examples of ILT practice as we see it at the moment. Not all projects

are as successful nor do they have the same level of commitment that is described in the case of the first one - an aluminium alloying company in the north of England.

The significant points that emerged from the survey were the following:

- The money-making department of the company - where jobs were dirty and hazardous, over the years became predominately Pakistani.
- Local union agreements insisted that promotion was related to seniority as well as ability and Pakistani operatives of long service had moved from the unskilled jobs in the department to the top grade operative jobs - looking after the furnaces. They were mostly first generation immigrants with a low level of English language skills. (Interestingly most white indigenous workers were to be found in the low grade jobs where turnover was high.) Supervisors, management and the union convenor in that department were white and the gap between them and the workforce in terms of language, culture and level of skills needed for the job was great.

Attempts to bridge that gap by bringing forward members of the workforce to be unofficial interpreters and shop floor union representatives had proved less than satisfactory since these workers were invariably young men whom management and the union could relate to because they had been born and brought up in the locality, but who for this very reason were not acceptable to the rest of the workforce. (During the survey it was discovered that one young man, used as an interpreter by the company could not speak his own language too well.)

There had been attempts to introduce systematic training of the workforce, but these had failed because most of the workforce would have needed much more English to understand it.

There were definitely difficulties of communication between management and union on one hand and the workforce on the other. In the

words of one shift manager:

"Now we understand what we're saying. They nod agreement and say yes that they do on numerous occasions in the last month we've had to have showdowns with them because they are not doing what they should. I wonder how much of this is because they're not prepared to do it or is it that they just don't grasp what we're trying to say to them. No, because it would be too wrong to say that a full group of them are lazy, idle, don't want to know - and yet our first reaction is to say something of this kind 'Look what those lazy so and sos have done'. It probably goes deeper than that. They don't get what we're asking them to do."

This epitomizes the dilemma of well-intentioned individuals in this situation - knowing that something is still going wrong however hard she or he tries, but not having access to the people concerned to find out why. (The rift had, in fact, come to a head two years previously when there had been a case of assault against a white supervisor which resulted in a hearing and bad publicity for the company.)

What are the implications of these findings? They cannot promote from the workforce into first line supervision. Because they have no effective links with the workforce and have probably alienated them by bringing forward 'go betweens' who are not acceptable, they have no effective means of maintaining operational standards. More specifically they are in danger of contravening the Health and Safety at work Act by not being able to fulfil their obligation to train and inform all workers in their own responsibilities under the act.

Our response was to first, secure commitment to a training project from all the interest groups, including the managing director. This was done through a series of meetings aimed at airing the issues raised by the survey and evolving a plan of action.

A programme was set up which entailed the involvement of these groups in initial training in cross-cultural communication, data collection from the shop floor and, devising a course which would cover some of the areas about which they were concerned - operational standards, health and safety, grievance and disciplinary procedures. This was balanced by the expressed needs of language trainees to learn how to function better in certain situations in work and outside - for example - an interview with a school teacher about a child's progress, a promotion interview.

Each of the seven shift supervisors were expected to attend twenty consecutive hours of training and act as our assistant. People from different areas of responsibility within the company had to provide an input on the course - Health and Safety Officer, Trade Union Convenor, Quality Control Officer. For each of the three groups being trained there was a fluent speaker of English present to act as interpreter if needed.

The training was organized in four hour sessions in two twenty hour blocks with a period for consolidation and re-appraisal after each block. Release for training was either in work time or paid overtime. Regular meetings were held with a steering group made up of representatives of all interest groups to assess progress, iron out any practical difficulties, advise on content and to arrange follow-up on the shop floor.

What did this high level of commitment in terms of participation and time mean to the groups and individuals concerned? At a general interaction level, it provided an opportunity away from the constraints of production for individuals to talk to each other, to attempt 'real' communication.

For the supervisors, managers and trade union convenor it meant they could actually experience how difficult communicating in a second language was - when there were no overtones of 'is it in his advantage to not understand'.

For workers it meant that they were able to establish that they were individuals and not stereotype representatives of a group. Also for the first time they had access to formal training in that company.

In operational terms for the company it meant that standards were seen to improve in that the trainees could now fill log sheets for the furnace; in the case of these workers at least they were complying with the Health and Safety at Work Act. Most important of all, but most difficult to evaluate - they felt that a substantial improvement had been made in relations on the shop floor.

The degree of satisfaction with the project is measured by the fact that after evaluation the company was prepared to undertake a five year commitment to training for all the workforce including white indigenous operatives.

7. CASE STUDY 2

By way of contrast, the second project which I want to describe is one which took place in a government department.

The trainees were from the lowest clerical grades in the civil service and included people from Sierra Leone and Nigeria as well as South Asians from East Africa and people from the Caribbean. They were working mainly in isolation in offices with five or six white indigenous workers. They had what I shall call bilingual fluency in English and were in almost all cases over-qualified for the jobs they were in (and in the case of some had held posts of greater responsibilities in their country of origin.)

After negotiations which spread over fifteen months, the department in question commissioned a survey to look into a situation they had long known existed but could not really resolve - that is a situation which was revealed to apply quite widely in the civil service in Britain by a report on the 'Application of Race Relations Policy in the Civil Service' carried out by the Tavistock Institute of London 1978. This had looked into the recruitment and selection of ethnic minority officers into the civil service and once in employment, at their development and promotion as compared to white officers.

They had concluded that at each stage of selection more visible ethnic minority applicants than white were failing. Once in the job, and I quote:

"key aspects of the job such as penetration, expression on paper, oral expression and reliability under pressure were rated lower for more coloured (their word) clerical officers than white."

This form of appraisal would of course be crucial in determining whether an officer should be put forward for promotion or not and whether both appraisals and interview panels for promotion would invariably be in the hands of the white majority. The case studies that are in the film Crosstalk* which we made with the BBC would point to an urgent need to re-appraise systems of interviewing when the candidate is from another linguistic and cultural background - but that is the subject of another talk.....

Again with this project the same principles of co-operation and commitment of interest groups applied. The white collar unions at national level endorsed the idea and the Civil Service Department with a responsibility to oversee all training was kept informed of progress. The resources of the training that at least one trainer would participate in the planning and execution of training.

* This film is available from the Resource Centre, Ontario Ministry of Culture and Recreation, Toronto.

The training was linked to specific job skills over which there was concern such as telephoning and writing and also to the development of interactional skills.

For reasons I have just mentioned, it seemed especially important that white line managers be involved in the training, since they were the first of the 'gate keepers' to get by for the language trainees. They were certainly willing to contribute to the survey and the most interesting factor to emerge from this was the discrepancy between their perception of the communication problem and our own. If they saw it in language terms at all they put it down to grammar and accent. Otherwise they would make judgements about a person's behaviour and character. "He's rude or too abrupt." "She's over polite". "They never seem to get the point". Our point of view was that this was not intentional behaviour on their part but related to a style of communication which was not that of the white officer. However, unless this were made explicit to both parties, judgements and decisions were going to be made - and I come back to this point again - which would seriously affect job opportunities.

The decision we made in the light of this analysis was that both groups should undergo a similar sort of training process of:

- sensitization to the issues involved in cross-cultural communication;
- gaining an understanding of why it can go wrong;
- accepting responsibility for change;
- giving people strategies for repair and practice.

The methodology for the development of interactional skills was one of role play and analysis using video, the context being usually the day to day situations of the trainees' jobs. These were followed up in the language trainees case with exercises to practise the language functions and communicative strategies which had been identified as useful. The training here lasted 40 hours spread over 20 weeks again with release from work time.

Of the ten hours of training for line managers, six were held jointly with the language trainees which made comparison of attitudes and expectations about communication an educative experience for everyone.

In the post-course evaluation all language trainees said that in the skills-linked areas they now felt much more confident - that is, using the telephone and writing memos, etc. In the interactional area, they felt more at ease and could cope better since they now understood what was going on. Over half of them would have preferred more joint sessions with their manager. All the line managers agreed that the course had contributed to solving both linguistic and personal misunderstandings with their staff and they now had a clearer understanding of the difficulties. Only two managers said that they had seen no improvements in their staff whilst one complained that there had been too much emphasis on the problems of the trainees and not enough on those of the managers. Two-thirds of the managers said that more joint sessions would have been useful.

From our point of view, although well pleased with these results we were aware that in such an organization which is more dependent on formalised institutional procedures for dealings with individuals, the real issue is how to effect change in these.

8. CONCLUSIONS

Firstly, there are limitations to what can be achieved without the broad backing of a positive legislative framework which promotes an equally positive climate of opinion.

There must be political backing - we were set up under a Labour government and are in the present Conservative government manifesto. There must be endorsement at national level from the trades unions, industry and ethnic minority organizations. To give an example - last year the Trade Union Congress issued a circular and a leaflet to all its affiliated unions endorsing ILT. This said,

"Without significant improvement in their English language skills, many ethnic minority workers will not achieve their full potential in terms of their employment possibilities, nor will they be able to play an effective part in the trade union movement."

It goes on to recommend a model clause for negotiation in collective agreements. This leaflet followed up by local ILT units has had a substantial impact on co-operation from the trade union movement.

Secondly, in order to achieve results this kind of training has to have the backing of management, trade unions, and the ethnic minorities in the workplace. At first sight, there may seem to be conflicts in adopting this position but our experience is that it is possible to present the service in such a way that it is acceptable to all parties.

In order to do this we must demonstrate that we can appreciate the needs of the different groups and can respond to them in terms that they can relate to. To give an example - a company which is worried about the viability of a new training programme on health and safety on which they have spent £50,000 might be told that - and I quote - "by investing £3000 in an ILT project they can; meet their statutory obligations in the areas of fire precautions, health and safety and hygiene, raise their operating standards of safety and hygiene so as to retain and improve their competitive position in the marketplace; maximize their investment of £50,000 in training materials currently yielding an extremely low return (because they are not geared to a multi-cultural, multi-lingual

workforce); ensure that these benefits continue by building the multi-cultural dimension into its training approach permanently. In addition, in piloting the new materials the ILT unit will give a thorough training in health and safety and hygiene to 60 employees with language difficulties."

This proposal obviously appealed to management but it also met the needs of the trade union to ensure that its members were trained in health and safety hazards. It benefitted the ethnic minorities concerned in that company training was made more appropriate to them, they acquired more language skills and the company in general was being sensitized in a very practical way to the implications of employing them. In other words there must be something in a project for every group in the workplace if it is to succeed.

Then there is the question of provision.

The first case study demonstrated the level of commitment and expertise that is needed to maintain one's credibility with all groups whilst not compromising on one's standards. This demands a special sort of teacher, not someone plucked straight out of a college, but someone who can be trained to tread carefully but resolutely in this very delicate field of human and race relations, and who has the backing of a body of expertise and an organization which will support and encourage when things look bleak. And they often do look bleak. At the moment, there is no statutory backing for our right of entry into a company. We have to win our way there by careful promotion and long negotiations and factors outside our control can ruin months of hard work as a project is cancelled because of a strike or a shut down. So it must be a service with its own internal organization, standards and procedures - that is - it does not fit in to the normal framework of adult and further education.

We need this organization to help us to stick to our principles and they are:

a) a decision to work at shop floor level where policy decisions are not normally taken but in the belief that individuals can affect policy and that it is at the individual level of interaction that important decisions are made which affect the lives of ethnic minorities;

b) a decision to NOT be party to the view that problems arise because ethnic and racial minorities don't speak English. The problems are there and are often only highlighted by the presence of ethnic minorities.

Having said this, we see it being linked to other objectives and other provisions, within industry, within training and education, within government departments, trade unions and ethnic minority communities because we see that there is a massive task before us and we can only play one small part in accomplishing that task.

"Organizations which tolerate racial and ethnic discrimination & disadvantage are likely to face even greater penalties in the future. Consequently the role of the manager in this respect will become even more demanding. Race relations in employment is just one aspect of industrial relations & the quality of relationships between races in an organization is a significant determinate of organizational climate. Also, as we believe that the effects of racial discrimination extend beyond its immediate victims, such unfair treatment can create or exacerbate negative attitudes & so limit productivity. Seen in this context the elimination of discrimination & the promotion of racial harmony are not only essential to social justice, they are also vital to economic performance."

No Problems Here?

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